

acknowledge that the last time, one of the reasons it took more time was ANWR, which this bill doesn't have in it. That will help us significantly. We will do what we did to cooperate with the majority on this bill.

As everyone knows, the Democratic leader wants this bill passed very badly. But I say to the distinguished majority leader, he can only do so much. There are more than 300 amendments on both sides. It will be a heavy task to get through this in a week.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, I appreciate those comments. As I mentioned, we started on the Energy bill on May 6. We had 12 days of consideration on the floor of the Senate. The bill was marked up prior to that.

I have tried to lay this out from the outset recognizing that we are going to address the bill—and we spent 12 days on it—during the last week of this month so we can plan, so we can get amendments considered and get the list down to a manageable number.

The reason I come to the floor every day is that I want to encourage Members on both sides of the aisle to focus on this right now. I get this feeling and sense that people are going to say we are going too fast and we are running out of time. That is the only reason I stress this in just about every other statement and in every meeting. I think everybody understands that and is working. But I do want to complete this bill. We are setting adequate time to do that.

If we can come to some sort of agreement by midweek next week as to what amendments we will be looking at, it will be hugely helpful. That is what we are working for on both sides of the aisle.

#### PRIME MINISTER TONY BLAIR'S ADDRESS TO A JOINT MEETING OF CONGRESS

Mr. FRIST. Mr. President, let me comment briefly on Prime Minister Tony Blair's address to the joint meeting of Congress this afternoon. It is a historic time.

This afternoon, the Senate and the House of Representatives have that distinct honor of welcoming British Minister Tony Blair to address this joint meeting of the Congress. This type of address is the highest honor which Congress can bestow. Prime Minister Blair will be the fourth sitting Prime Minister of the United Kingdom to address a joint session of the United States and Congress, preceded only by Winston Churchill, Clement Richard Atlee, and Margaret Thatcher—three of history's greatest leaders.

Today's historic tribute signifies our abiding friendship and our deep respect not only for the Prime Minister but for the great people of the United Kingdom.

Throughout the last century, the United Kingdom and the United States

have stood shoulder to shoulder to defend the free people of the world. That is because our two nations share more than just history. We share deeply held principles of devotion to governance with the consent of the electorate, a devotion to justice based on the rule of law and the principles of due process and devotion to economic freedom based on a belief that every individual should be free to express his or her God-given talents.

Together, the United States and the United Kingdom defeated the twin evils of fascism and communism. Today, we stand together to defend democracy everywhere.

In Africa, the Middle East, and Europe, Prime Minister Blair has led the way to bring freedom to the oppressed, relief to the suffering, and the promise of peace to those living in war-torn regions.

In Sierra Leone, Prime Minister Blair led the effort to end a brutal and senseless civil war. In Kosovo and the Balkans, the Prime Minister rallied our two great nations to bring stability and security to that troubled region. In our great time of need, Prime Minister Blair has shown tremendous courage; he has shown tremendous resolve to defeat our enemies no matter how deep their caves or how fearsome their arsenal.

In Afghanistan, the United Kingdom contributed forces to Operation Enduring Freedom and led the International Security Assistance Force. In Iraq, Prime Minister Blair worked tirelessly to build the coalition to free the Iraqi people from the savagery of Saddam Hussein, a man who—and we should never forget this—used chemical weapons to commit mass murder against his neighbors as well as his own people.

Under the Prime Minister's leadership, the United Kingdom sent over 30,000 troops—nearly a fourth of the British military—to fight alongside our valiant women and men.

We are grateful for the Prime Minister and the British people for their strength and their resolve.

This afternoon, on behalf of the people of the United States, we will pay tribute to the Prime Minister for his courage and his vision. We will listen to his counsel. We will reaffirm the bond between our two great nations, purchased not by treasure or self-interest but by loyalty and brave mutual sacrifice.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2658, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDENT pro tempore. Under the previous order, the Senator from Iowa, Mr. HARKIN, is recognized for not to exceed 25 minutes.

The Senator from Iowa.

Mr. HARKIN. Mr. President, some of this week's news headlines and lead stories on the evening news, when looked at together, raise important questions about our direction as a country and about key Federal Government policy—both economic policy and foreign policy. The economic issues raised affect the quality of life of every American family and the future of our children. The foreign policy issues touch on the reasons that thousands of Americans are deployed today in perilous circumstances in Iraq. As we all know, our soldiers are risking their lives daily in Iraq, and daily American troops are being killed.

On the economic front, the front page of the Washington Post reported earlier this week that the White House now projects that the Federal budget deficit will top \$450 billion this year: "Budget Deficit May Surpass \$450 billion." That is 50 percent higher than the administration predicted just 6 months ago. In 6 months it has increased by 50 percent. The administration's Office of Management and Budget also predicts a \$475 billion deficit for next year.

Now, a couple times in my remarks this morning I will be talking about low-balling. I think the \$450 billion budget deficit figure is a low-ball figure. I think the \$475 billion budget deficit estimate for next year is also a low-ball figure. I think they are both going to be in the neighborhood of  $\frac{1}{2}$  trillion or more.

Why could I possibly say that? One reason is that the projected \$475 billion deficit for next year does not include any accounting for the cost of the war in Iraq, or for our continued operations in Afghanistan. It is simply not there, as though it costs us nothing.

We now know, thanks to the recent hearing held by the Senate Armed Services Committee and the continued questioning of Secretary Rumsfeld, who at first did not have the figures for how much it was costing us on a monthly basis in Iraq, but was pressured by the Senators on the Armed Services Committee to get the figures during a break when the Senators came to vote—well, he came back, and what did we learn? We learned from Secretary Rumsfeld that the cost of our operations in Iraq are now running at about \$4 billion a month. That is \$1 billion a week.

Again, to those of us who have been around here for some time, and have seen how these figures have been skewed in the past, I also think that is a low-ball figure. I think the figures of our operations in Iraq, when all is said

and done, is going to be much closer to \$5 to \$6 billion per month. But we will take their figure, the administration's figure of \$4 billion a month.

Again, that number has been escalating. At the beginning of the war, the Defense Department said that the occupation costs would only be about \$2 billion a month. In June, it rose to \$3 billion a month. Now it is \$4 billion a month. That is just in Iraq. In Afghanistan, we are spending another \$1 billion each month. When you add up those two, that is about \$60 billion a year. That is not even in our budget.

We are on the Defense appropriations bill right now—a record \$369 billion for defense and not one penny in there for Afghanistan or Iraq. So when you see the figure of a \$450 billion deficit, hold your breath because it is going to go up. It is going to be bigger than that because of these costs in Iraq and Afghanistan.

But there is another reason why these deficits are going up. The basis for the \$450 billion deficit is certainly not the war in Iraq, and it is not what we are doing in Afghanistan; it is because of the President's massive tax cuts enacted in 2001 and this year—tax cuts that benefited the wealthiest in our society.

Over one-half of the benefits of the tax break bill in 2001 went to those people making over \$1 million a year. This year, we just added on to that. Based on the tax cuts enacted this year, a person making \$1 million a year in America now will get over \$93,000 a year in a tax cut. You wonder why we are having a \$450 billion deficit.

So those are the two paths our country is going down that I believe is putting us in dire jeopardy: The economic path of more and more massive tax breaks for those at the top—not investing in education, not investing in basic medical research, not investing in rebuilding our schools and our highways and bridges and roads, not investing in our infrastructure in our country, not investing in Early Start and Head Start, not investing in Well Start programs, not investing in higher education so our kids can get a chance to go to college, not investing in that—but taking the great wealth of this country and giving it, in tax breaks, to the wealthiest few.

That is the basis for why our economy is in a shambles. Then you add on to it the foreign policy debacle of the last 2 years. The foreign policy debacle is now leading us to spend \$60 billion a year on Afghanistan and Iraq, the foreign policy debacle that is leading to U.S. troops being killed every day in Iraq.

The headline in this morning's Washington Post: "'Guerilla' War Acknowledged."

The U.S. military's new commander in Iraq acknowledged for the first time yesterday that American troops are engaged in a "classical guerilla-type" war against remnants of former Iraqi president Saddam Hussein's Baath Party and said Baathist attacks are growing in organization and sophistication.

I guess we didn't learn anything from Vietnam, did we? I guess we just didn't learn a thing. No, we were so anxious to rush headlong into this war without getting the support of our allies, making this a United Nations effort, at least at a minimum a NATO effort, rather than a solo effort by the United States. Now when we look around and we need help in paying the bills, it is only the U.S. taxpayers who are being asked to pay. Make no mistake, the bills will be paid. We will pay those bills. And I will vote for this bill, too, because we can't pull the rug out from underneath our military. No one is talking about pulling our troops suddenly out of Iraq now that they are there. Certainly no one here in the Senate would suggest that we don't provide all that we can for their security and their success.

But we have to ask the tough questions of what got us here, what led us here, what policy decisions put us in this terrible situation. As we consider defense spending, it is appropriate to examine the cause of why we are committing \$1 billion a week in Iraq in addition to the cost of human lives.

Again, we can look at a second story from Tuesday's Washington Post. President Bush on Monday defended his State of the Union remarks on Iraq by saying:

I think the intelligence I get is darn good intelligence. And the speeches I have given were backed by good intelligence.

"President Defends Allegation on Iraq." Well, the President essentially, with these remarks, seems to be sticking with the story he told in his State of the Union Address. His spokesman days before had acknowledged that the President should not have claimed that Iraq was trying to buy uranium from Africa; that this claim was based on bad intelligence, forged documents. But the President did not renounce this claim. In fact, he seemed to stand by it.

President Bush also said the CIA doubts about the intelligence regarding Iraqi efforts to buy uranium in Africa were "subsequent" to the State of the Union Address. That is what the President said. However, we know this is not true. The CIA insisted last October that similar claims be removed from a speech the President delivered at that time.

And wonder of wonders, on July 14, the President said we went to war with Saddam Hussein "after we gave him a chance to allow the inspectors in, and he wouldn't allow them in." Just driving in this morning from home into the Senate, I was listening to the radio, and this was brought up on the radio. And you could hear the President's own words:

We gave him a chance to allow the inspectors in, and he wouldn't allow them in.

That has got to be one of the most bizarre statements I have ever heard not only any President but any public official ever make.

The fact is, last November, the inspectors were let in, led by Hans Blix.

They went into Iraq on November 18 last fall. And they were there doing their job. But continually President Bush said they couldn't do it, that they couldn't find anything. We kept trying to support the inspectors, some of us, but the President kept saying, no, they couldn't operate. The inspectors only left Iraq just before the bombs started falling.

And now for this President to say that Saddam Hussein wouldn't let them in has got to be something really bizarre. What could the President possibly be thinking? How could the President even utter such words?

The administration's claims about Iraq's nuclear program have always been at the center of their justification for the war in Iraq. In a speech in Cincinnati last October laying out the case for the resolution authorizing the use of force in Iraq, President Bush used the word "nuclear" 20 times in one speech. Perhaps his most dramatic statement raised the specter of a nuclear attack on the United States. President Bush warned in that speech:

Facing clear evidence of peril, we cannot wait for the final proof—the smoking gun—that would come in the form of a mushroom cloud.

In March, shortly before the war began, Vice President CHENEY went further. He said: Hussein "has been absolutely devoted to trying to acquire nuclear weapons." And here is what the Vice President said in all seriousness:

And we believe he has, in fact, reconstituted nuclear weapons.

That is what Vice President CHENEY said last March.

We ask, where are the facts? We have yet to see any facts, only speculation based upon forged documents. That is a claim with absolutely no evidence behind it. And this is the Vice President of the United States.

So we have to ask, does President Bush stand by his claim that Iraq was trying to purchase uranium, or was that statement a mistake? It is not enough to blame an aide who stopped that claim once but allowed it—attributed to another source—the second time. It is not enough to claim, as another aide did, that the statement was technically true because it said that "the British Government has learned" about the alleged purchase attempt even though our own Government believed the allegations wrong.

It is time for President Bush to come clean. Does he believe his own claim? Did Iraq even have an active nuclear weapons program when we invaded? If so, then why have we not found any evidence for it in the months since the war ended? And if not, then why did we invade in the first place?

This is not just about one statement. It is about a war justified by claims that Iraq was actively pursuing nuclear weapons, by dire warnings about mushroom clouds. Yet the U.N. could not find any evidence of a continuing nuclear weapons program, and now apparently we can't either.

The administration can't hide that fact behind conflicting statements and wrong information. They can't continue to mislead and misdirect the American public and the Congress. The cost in money and in lives and in reputation is too great.

Is this really the culmination of a misguided policy started by a few individuals in the early 1990s, expounded and developed in the later 1990s, and now encompassed by some in this administration, a new doctrine called "preemption"; preemption, that we can somehow go in and militarily invade a country based not upon evidence, based not upon hard facts but based upon a kind of feeling, a supposition, maybe a belief, just a belief that they may, in fact, some day come to harm us?

George Will had a column in the newspaper on June 22 talking about the doctrine of preemption. He said something I thought was very interesting. He said:

To govern is to choose, almost always on the basis of very imperfect information. But preemption presupposes the ability to know things—to know about threats with a degree of certainty not requisite for decisions less momentous than those for waging war.

If I can interpret Mr. Will, I think he was saying that sometimes you can take certain actions, the consequences of which, if you are wrong, are not momentous. But to base military action under a doctrine of preemption on potential threats about which you do not have adequate facts, and based only upon a belief or a feeling, the results of that can be terribly momentous.

Mr. Will goes on to say:

Some say the war was justified—

That is what we are hearing now.

—even if [weapons of mass destruction] are not found nor their destruction explained, because the world is "better off" without Saddam. Of course it is better off. But unless one is prepared to postulate a U.S. right, perhaps even a duty, to militarily dismantle any tyranny—on to Burma?—it is unacceptable to argue that Saddam's mass graves and torture chambers suffice as retrospective justifications for preemptive war.

I ask unanimous consent that Mr. Will's entire column of June 22 be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times Union (Albany, NY), June 22, 2003]

THE MISSING WEAPONS DO MATTER

(By George Will)

WASHINGTON.—An antidote for grand imperial ambitions is a taste of imperial success. Swift victory in Iraq may have whetted the appetite of some Americans for further military exercises in regime change, but more than seven weeks after the President said, "Major combat operations in Iraq have ended," combat operations, minor but lethal, continue.

And overshadowing the military achievement is the failure—so far—to find, or explain the absence of, weapons of mass destruction that were the necessary and sufficient justification for pre-emptive war. The doctrine of pre-emption—the core of the President's foreign policy—is in jeopardy.

To govern is to choose, almost always on the basis of very imperfect information. But pre-emption presupposes the ability to know things—to know about threats with a degree of certainty not requisite for decisions less momentous than those for waging war.

Some say the way was justified even if WMDs are not found nor their destruction explained, because the world is "better off" without Saddam. Of course it is better off. But unless one is prepared to postulate a U.S. right, perhaps even a duty, to militarily dismantle any tyranny—on to Burma?—it is unacceptable to argue that Saddam's mass graves and torture chambers suffice as retrospective justifications for pre-emptive war. Americans seem sanguine about the failure—so far—to validate the war's premise about the threat posed by Saddam's WMDs, but a long-term failure would unravel much of this President's policy and rhetoric.

Saddam, forced by the defection of his son-in-law, acknowledged in the mid-1990s his possession of chemical and biological WMDs. President Clinton, British, French and German intelligence agencies and even Hans Blix (who tells the British newspaper *The Guardian*, "We know for sure that they did exist") have expressed certainty about Iraq having WMDs at some point.

A vast multinational conspiracy of bad faith, using fictitious WMDs as a pretext for war, is a wildly implausible explanation of the failure to find WMDs. What is plausible? James Woolsey, President Clinton's first CIA director, suggests the following:

As war approached, Saddam, a killer but not a fighter, was a parochial figure who had not left Iraq since 1979. He was surrounded by terrified sycophants and several Russian advisers who assured him that if Russia could not subdue Grozny in Chechnya, casualty-averse Americans would not conquer Baghdad.

Based on his experience in the 1991 Gulf War, Saddam assumed there would be a ground offensive only after prolonged bombing. U.S. forces would conquer the desert, then stop. He could manufacture civilian casualties—perhaps by blowing up some of his own hospitals—to inflame world opinion, and count on his European friends to force a halt in the war, based on his promise to open Iraq to inspections, having destroyed his WMDs on the eve of war.

Or shortly after the war began. Saddam, suggests Woolsey, was stunned when Gen. Tommy Franks began the air and ground offenses simultaneously and then "pulled a Patton," saying, in effect, never mind my flanks, I'll move so fast they can't find my flanks. Saddam, Woolsey suggests, may have moved fast to destroy the material that was the justification for a war he intended to survive, and may have survived.

Such destruction need not have been a huge task. In Britain, where political discourse is far fiercer than in America, Tony Blair is being roasted about the missing WMDs by, among many others, Robin Cook, formerly his foreign secretary. Cook says: "Such weapons require substantial industrial plant and a large work force. It is inconceivable that both could have been kept concealed for the two months we have been in occupation of Iraq."

Rubbish, says Woolsey: Chemical or biological weapons could have been manufactured with minor modifications of a fertilizer plant, or in a plant as small as a microbrewery attached to a restaurant. The 8,500 liters of anthrax that Saddam once admitted to having would weigh about 8.5 tons and would fill about half of a tractor-trailer truck. The 25,000 liters that Colin Powell cited in his U.N. speech could be concealed in two trucks—or in much less space if the anthrax were powdered.

For the President, the missing WMDs are not a political problem. Frank Luntz, a Republican pollster, says Americans are happily focused on Iraqis liberated rather than WMDs not found, so we "feel good about ourselves."

But unless America's foreign policy is New Age therapy to make the public feel mellow, feeling good about the consequences of an action does not obviate the need to assess the original rationale for the action. Until WMDs are found, or their absence accounted for, there is urgent explaining to be done.

Mr. HARKIN. Well, again, there is one statement after another. Here is a speech that the Vice President gave on August 26, 2002, to the VFW national convention.

"Simply stated," said the Vice President, "there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them. I think that is important. He is amassing them to use against our friends, against our allies, and against us."

Well, if he was amassing them, where are they? What information did Vice President CHENEY rely upon last August 26 when he uttered those words? Words have import. Words have consequences, especially when those words are uttered by the President of the United States or the Vice President—even more so than words uttered by us on the Senate floor.

I believe the consequences of those words led us into a war in Iraq that, quite possibly, either could not have happened because we could have had inspectors and we could have weakened Saddam more and more over the months and years; or it could have been a war in which we were there with the world community. But, no, the President wanted to rush into this. The words he used and the words that were used by the Vice President were used to frighten the American people, to stampede the Congress into passing a resolution.

Mr. President, I think, as we look at our duties here—and, of course, we have to support our troops and we have to pass this bill—the hard questions need to be answered. What did the President know? When did he know it? What did the Vice President know and when did he know it? Why did they use the words they used when, in fact, the intelligence showed just otherwise? And why underneath it all do we continue a policy of getting further and further in debt in this country—to the point that it jeopardizes our children's future? These are the hard questions this President has to answer.

With that, I yield the floor and I suggest the absence of a quorum.

THE PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I have a parliamentary inquiry. What is the pending business?

The PRESIDENT pro tempore. The Defense appropriations bill.

AMENDMENT NO. 1276

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 1276.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a review and report regarding the effects of use of contractual offset arrangements and memoranda of understanding and related agreements on the effectiveness of buy American requirements)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. (a) The Secretary of Defense—

(1) shall review—

(A) all contractual offset arrangements to which the policy established under section 2532 of title 10, United States Code, applies that are in effect on the date of the enactment of this Act;

(B) any memoranda of understanding and related agreements to which the limitation in section 2531(c) of such title applies that have been entered into with a country with respect to which such contractual offset arrangements have been entered into and are in effect on such date; and

(C) any waivers granted with respect to a foreign country under section 2534(d)(3) of title 10, United States Code, that are in effect on such date; and

(2) shall determine the effects of the use of such arrangements, memoranda of understanding, and agreements on the effectiveness of buy American requirements provided in law.

(b) The Secretary shall submit a report on the results of the review under subsection (a) to Congress not later than March 1, 2005. The report shall include a discussion of each of the following:

(1) The effects of the contractual offset arrangements on specific subsectors of the industrial base of the United States and what actions have been taken to prevent or ameliorate any serious adverse effects on such subsectors.

(2) The extent, if any, to which the contractual offset arrangements and memoranda of understanding and related agreements have provided for technology transfer that would significantly and adversely affect the defense industrial base of the United States and would result in substantial financial loss to a United States firm.

(3) The extent to which the use of such contractual offset arrangements is consistent with—

(A) the limitation in section 2531(c) of title 10, United States Code, that prohibits implementation of a memorandum of understanding and related agreements if the President, taking into consideration the results of the interagency review, determines that such memorandum of understanding or related agreement has or is likely to have a significant adverse effect on United States industry that outweighs the benefits of entering into or implementing such memorandum or agreement; and

(B) the requirements under section 2534(d) of such title that—

(i) a waiver granted under such section not impede cooperative programs entered into

between the Department of Defense and a foreign country and not impede the reciprocal procurement of defense items that is entered into in accordance with section 2531 of such title; and

(ii) the country with respect to which the waiver is granted not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(c) The Secretary—

(1) shall submit to the President any recommendations regarding the use or administration of contractual offset arrangements and memoranda of understanding and related agreements referred to in subsection (a) that the Secretary considers appropriate to strengthen the administration buy American requirements in law; and

(2) may modify memoranda of understanding or related agreements entered into under section 2531 of title 10, United States Code, or take other action with regard to such memoranda or related agreements, as the Secretary considers appropriate to strengthen the administration buy American requirements in law in the case of procurements covered by such memoranda or related agreements.

Mr. DODD. Mr. President, let me, first of all, thank the distinguished chairman of the committee, the President pro tempore, and the ranking member, Senator INOUE, for their cooperation on this amendment. As I understand it, this amendment has been accepted by both sides.

I will briefly describe the amendment. My intention is not to ask for a recorded vote so we will move the process along. I will enter into a brief colloquy perhaps with the ranking member about the prospects of this being held on in conference.

Briefly, as all of my colleagues, I am deeply troubled by the state of our economy. I spent last week—part of it—in my State, as I am sure many colleagues did over the July 4th break, talking to manufacturers, labor unions, and others.

As most of my colleagues know, my State is heavily dependent on defense contract work—if not the most dependent on a per capita basis, certainly one of the top States on a per capita basis. We have been very proud of this tradition over the years. It dates back to the Revolutionary War when Connecticut was known as the Provision State. In addition to its nomenclature of being the Constitution State, it is the Provision State as well.

As a result of the cooperation of the Defense Appropriations Subcommittee over the years, Connecticut's contribution has continued to grow in a variety of areas. Like everything else, there are areas for improvement in how we can help sustain this quality of work that is being done by some of the finest technicians, some of the finest workers the world has ever seen, producing the most sophisticated equipment and hardware that has ever been produced by any nation.

Yet we are also seeing, as a result of the realities of the world, more and more people are losing their jobs in the technology area. The industrial base is

eroding. In fact, we are told in one article, which I placed on this chart, that roughly 27,000 technology jobs moved overseas in the year 2000, and this research organization predicts the number will mushroom to 472,000 by the year 2015 if companies continue to farm out as much of our technology work at today's frenzied pace.

The jobless issue is important. More than 9 million Americans are out of work, and nearly 400,000 jobs have been lost just since January of this year. Job losses continue to mount in the manufacturing sector, even in the defense industry, I might add.

Manufacturing is the engine that drives our economy, sustaining the industrial base. I note to all of my colleagues that this is critically important. This is what made America a leader over the years. It is what made us the great industrial and military power we are today.

Manufacturers produce \$1 out of every \$6 of our economy's gross domestic product. During the last decade, U.S. manufacturing has been responsible for 21 percent of the total economic growth and one-third of productivity growth in the United States.

In my State, Connecticut, manufacturers are also a critical part of our local economy. More than 5,600 individual manufacturing companies in the State of Connecticut employ more than 240,000 people who are paid over \$10 billion a year in salaries and income. These manufacturers create more than \$27 billion in added value and generate \$45 billion in annual sales.

Yet despite the importance of this manufacturing sector, manufacturers across the country are struggling today to survive. In an economy where 9.4 million Americans are out of work, it is particularly upsetting to learn that the U.S. defense contractors are continuing at a rapid pace to outsource a considerable number of manufacturing positions overseas.

This is being done under the so-called offset contracts. Under these arrangements, foreign governments buy major weapons programs from American companies only if the manufacturer contracts out a significant portion of that work in that country.

For example, when Poland agreed to buy several Lockheed Martin F-16 aircraft, United States contractors agreed to outsource over 40 components of this work to Polish companies, amounting to hundreds of United States job losses to foreign workers.

No one disputes there is an important role for these offset agreements, and this amendment does not eliminate them at all. Quite the contrary. The jobs that may be lost may be offset by other gains from better commercial and defense relations in foreign countries.

The issue is whether or not the trend that these arrangements are following is headed in the wrong direction. U.S. companies are outsourcing more and more, and I am worried this could result in a loss of sensitive technology

overseas, a loss of segments of the national industrial base, and a loss of jobs during this economic downturn.

As I mentioned, there were 40 different contracts in 1 particular job and 1 particular country. When American companies enter into future contracts with the U.S. Government, it means that our taxpayer dollars will now go to work in another country rather than to support our own economic needs.

With certain components being built in other countries, offset arrangements may actually undermine existing "buy American" laws that require specific military machinery—everything from naval circuit breakers to machine tools and ball bearings—to be manufactured by workers in the United States.

For these reasons, I am offering this amendment this morning that will add a measure of accountability to these offset contracts. The amendment requires the Secretary of Defense to review these arrangements and report to the Congress on, among other things, the effect on the industry's industrial base and what actions have been taken to minimize damage to American defense industries, what financial impact these arrangements might have on U.S. manufacturing, the implications of technology transfer arising from these arrangements, and, lastly, how consistent some of the business arrangements, resulting from these offset arrangements, are with existing "buy American" laws that pertain specifically to defense policy.

Armed with this information, we will be better able to ensure that when American companies enter into foreign contracts, the U.S. industrial base will be preserved and the general interests of the American people will be protected.

This amendment also allows the Secretary discretion to modify existing memoranda of understanding with other countries affecting offset agreements if he or she finds it necessary upon reviewing this information. He may also submit to the President any recommendations he thinks might be necessary to strengthen "buy American" laws.

This added protection is particularly important to all of us at a time when people all over the Nation are experiencing the highest unemployment rate in 9 years, most recently measuring 6.4 percent.

I appreciate the consideration of this amendment by the chairman and the ranking member of the committee. This is not a radical approach. As I said, it does not in any way eliminate these offset arrangements but merely requires a greater accountability so we can watch carefully what is happening, so we do not end up with more jobs being lost, particularly in these critical technologies that are so vital not only to our economic success and well-being but also to preserving the industrial base for our national security needs in the 21st century.

I ask that the amendment be agreed to. If I may say to my colleague from

Hawaii, I am not going to ask for a recorded vote. I appreciate their review of the amendment and their acceptance of it. I hope steps will be taken to try to preserve this amendment in conference if that is possible.

Mr. INOUE. Mr. President, I can assure my distinguished colleague from Connecticut that we will do our utmost in convincing the House conferees to accept this.

Mr. DODD. Mr. President, I thank the Senator from Hawaii very much for his continued support.

I have no further need for additional time. I ask unanimous consent that the amendment be agreed to.

The PRESIDENT pro tempore. Is there further debate? If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1276) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to proceed for 10 minutes as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. I thank the Chair. (The remarks of Mr. MCCONNELL pertaining to the introduction of S. 1428 are printed in today's RECORD under "Statements on Introduced Bills and Joint resolutions.")

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Illinois.

Mr. DURBIN. May I inquire of the Chair the pending business before the Senate.

The PRESIDING OFFICER. The pending business is the Defense appropriations bill.

#### AMENDMENT NO. 1277

Mr. DURBIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1277.

Mr. DURBIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the availability of funds for the Intelligence Community Management Account pending a report on the development and use of intelligence relating to Iraq and Operation Iraqi Freedom)

Insert after section 8123 the following:

SEC. 8124. (a) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding any other provision of law, of the amount appropriated by title VII of the Act under the heading "INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT", \$50,000,000 may only be obligated after the President submits to the appropriate committees of Congress a report on the role of Executive branch policymakers in

the development and use of intelligence relating to Iraq and Operation Iraqi Freedom, including intelligence on—

(1) the possession by Iraq of chemical, biological, and nuclear weapons, and the locations of such weapons;

(2) the links of the former Iraq regime to Al Qaeda;

(3) the attempts of Iraq to acquire uranium from Africa;

(4) the attempts of Iraq to procure aluminum tubes for the development of nuclear weapons;

(5) the possession by Iraq of mobile laboratories for the production of weapons of mass destruction;

(6) the possession by Iraq of delivery systems for weapons of mass destruction; and

(7) any other matters that bear on the imminence of the threat from Iraq to the national security of the United States.

(b) ADDITIONAL MATTERS ON URANIUM CLAIM.—The report on the matters specified in subsection (a)(3) shall also include information on which personnel of the Executive Office of the President, including the staff of the National Security Council, were involved in preparing, vetting, and approving, in consultation with the intelligence community, the statement contained in the 2003 State of the Union address of the President on the efforts of Iraq to obtain uranium from Africa, including the roles such personnel played in the drafting and ultimate approval of the statement, the full range of responses such personnel received from the intelligence community, and which personnel ultimately approved the statement.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. DURBIN. Madam President, yesterday as a member of the Senate Intelligence Committee, I sat through a 5-hour hearing with the Director of the Central Intelligence Agency, Mr. George Tenet. It was one of the longest hearings I have ever been a party to in that committee. Virtually every member of the committee was present for the entire hearing. I think we can accurately draw the conclusion from that that it was a hearing of great importance because it addressed an issue which is central to our foreign policy and our national security, and that is the intelligence agencies of our Government.

We are asking now some very difficult but important questions along two lines. First, was the intelligence gathered before the United States invasion of Iraq accurate and complete? Secondly, was that information relayed and communicated to the American people in an honest and accurate fashion? Those are two separate questions that are related.

Yesterday, Director Tenet reiterated publicly what he has said before on July 11, that he accepted responsibility for the fact that in the President's State of the Union Address last January a sentence was included which was at best misleading. The sentence, of

course, related to whether or not Iraq had attempted to obtain uranium from the African nation of Niger. What I am about to say is not from the hearing yesterday but rather from public disclosures and press reports relative to that issue.

What we know is this: The allegations and rumors about Iraq obtaining uranium and other fissile materials from the country of Niger had been discussed at some length for a long period of time. In fact, documents had been produced at one point that some believed implicated the Iraqis and the Niger nation in this particular transaction. It is also true, though, that the people who are expert in this area had looked carefully and closely at that documentation and many had come to the opposite conclusion. Some had concluded this information, whether it was from British intelligence sources or American intelligence sources, was dubious, was not credible. Then it was disclosed that the documentation was actually a forgery.

Many of those documents have been made public. Yesterday a leading newspaper in Italy published the documentation and it was reported on the news channels last night in the United States that when those documents were carefully reviewed, it was found that, in fact, they contained things which on their face were ridiculous, names of ministers in Iraq and Niger who had not been in that position for years, supposedly official seals on documentation which, when examined closely, turned out to be patently false and phony.

So it was with that backdrop that the President, in his State of the Union Address, considered a statement concerning whether or not Niger had sold these fissile materials to Iraq.

It has been disclosed publicly and can be discussed openly on the Senate floor that there was communication between the Central Intelligence Agency and the White House on this issue. It is apparent now to those who have followed this story that there was a discussion and an agreement as to what would be included in the speech. The 16 famous words relative to this transaction have now become central in our discussion about the gathering and use of intelligence.

What I heard yesterday during the course of 5 hours with Director Tenet is that we have been asking the wrong question. The question we have been asking for some period of time now since this came to light was, Why didn't Director Tenet at the CIA stop those who were trying to put misleading information in the President's State of the Union Address? That is an important question. Director Tenet has accepted responsibility for not stopping the insertion of those words. But after yesterday's hearing and some reflection, a more important question is before the Senate. That question is this: Who are the people in the White House who are so determined to in-

clude this misleading information in the State of the Union Address and why are they still there?

That goes to the heart of the question, not just on the gathering of intelligence but the use of the intelligence by the Executive Office of the President. That is an important question. It is a question we should face head on.

An attempt was made last night by my colleague from New Jersey, Senator CORZINE, to call for a bipartisan commission, a balanced commission, to look into this question about intelligence gathering and the use of the intelligence leading up to the war on Iraq. His amendment was defeated by a vote of 51 to 45 on a party-line vote—all Republicans voting against it; all Democrats supporting it. Senator CORZINE's effort for a bipartisan, balanced, evenhanded commission was rejected by this Senate.

The amendment which I bring today offers to the Senate an alternative. If the Senate does not believe there should be a bipartisan commission to investigate this question, this use of intelligence, then what I have said in this amendment is that we are calling on the President to report to Congress, the appropriate committees in the classified and unclassified fashion, whether or not there was a misuse of intelligence leading up to the war on Iraq. Those are the only two options before the Senate.

In this situation, we have the Intelligence Committee in the House and the Senate looking at the classified aspect of this issue. We have said in the Senate that we do not accept the idea—at least, the Republican side does not accept the idea—of a bipartisan commission looking at this issue. So, clearly, the responsibility falls on the shoulders of the President.

This amendment says that the President will report to the appropriate committees of Congress on this use of the intelligence information.

Why is this an important discussion? It is particularly important from several angles. First, if we are engaged successfully in a war on terrorism, one of the greatest weapons in our arsenal will be intelligence. We will have to depend on our intelligence agencies to anticipate problems and threats to the United States. We will have to gather credible information, process that information, determine its credibility, determine its authenticity, and use it in defense of the United States. Now, more than ever, intelligence gathering is absolutely essential for America's national security.

Second, the President has said we are now following a policy of preemption; we will no longer wait until a country poses an imminent threat to the United States or our security. If the President and his administration believe a country may pose such a threat in the future, the President has said we are going to protect our right to attack that country to forestall any invasion or attack on the United States.

How do you reach the conclusion that another country is preparing to attack? Clearly, again, by intelligence gathering. Now, more than ever, in the war on terrorism and the use of a policy of preemption, we depend on intelligence. Those are the two central points.

Equally, if not more important, is what happened in the lead-up to the invasion of Iraq. For months, the President, the Vice President, and his Cabinet all sought to convince the American people this invasion of Iraq was not only inevitable but was, frankly, in the best interests of America's national security. The administration, the President, gathering the intelligence data, presented it to the American people in a variety of different fashions. We can all recall how this started. It was almost a year ago that in Crawford, TX, we first heard the President while he was in summer retreat suggest that something had to be done about Iraq and used the words "regime change."

Then, over the months that followed, a variety of different rationales came forward for the need to invade Iraq and remove Saddam Hussein. First and foremost—and nobody argued this point on either side of the aisle—Saddam Hussein was a very bad leader, not just for the people of Iraq but for the region and a threat to the world. His removal from power from the beginning was certainly something that everyone understood would be in the best interest of the people of Iraq.

But the obvious question was, if you are going to set out just to remove bad leaders of the world, where would you draw the line and what would those leaders do in response? So the administration said there are more arguments, even more compelling rationales.

First and foremost, in Iraq they were developing nuclear weapons. We recall that conversation. As evidence of that, administration officials talked about the fact that Iraq had obtained certain aluminum tubes that could likely be used for the development of new nuclear weapons.

Now, in fact, we know on reflection that there was even a debate within the administration whether these aluminum tubes could be used for nuclear weapons. Despite that, the administration said categorically, we believe they will be used for nuclear weapons and we believe that is a rationale for the invasion.

Second, on other weapons of mass destruction, chemical and biological weapons, the administration went so far in its presentation to suggest that there were 550 sites where there was at least some possibility of weapons of mass destruction. They went into detail about how these weapons could threaten Israel, could threaten other countries in the region, might even threaten the United States. That information was given repeatedly.

The fact is, we are 10 weeks after the successful completion of our military



invasion of Iraq. More than 1,000 inspections have been made in Iraq. No weapons of mass destruction have been found. There has been some small evidence related to the discovery of something buried in a rose garden that could have been a plan for the use of a nuclear device. There has been the discovery of these mobile units in trailers which might have been used for the development of biological weapons. Those things have been discovered but of the so-called 550 sites, the fact is we have not discovered or uncovered one as I stand here today.

I am confident before this is over that we will find some evidence of weapons of mass destruction in Iraq. It could happen as soon as tomorrow. I think that will happen. I believe that will happen. But we were told we were dealing with 550 sites. Statements were made by the President, the Vice President, Ms. Condoleezza Rice and others, that Saddam Hussein had arsenals of chemical and biological weapons. They have not been apparent.

To think in that lightning-fast conquest of Baghdad, somehow Saddam Hussein had the time to literally wipe away or destroy any evidence of weapons of mass destruction strains credulity.

What we have now is a serious question as to whether the intelligence was valid and accurate or whether it was portrayed to the American people in a valid and accurate way.

We also had allegations that Saddam Hussein was linked with al-Qaida. Of course, this is something of great concern to the American people. We know that the al-Qaida terrorists are responsible for September 11, the loss of at least 3,000 innocent American lives on that tragic day. We would and should do what we can in any way, shape, or form to eliminate al-Qaida's threat to terrorism. I joined the overwhelming majority of the Senate, giving the President the authority and power to move forward on this question as to whether or not we should eliminate al-Qaida and its terrorist threat. The fact is, now, as we reflect on that information provided by the administration prior to the invasion of Iraq, there is scant information and scant evidence to link Saddam Hussein and al-Qaida.

The list goes on. It has raised serious questions about the intelligence gathering leading up to the invasion of Iraq and the portrayal of that information to the American people. There is nothing more sacred or important in this country than that we have trust in our leaders when it comes to the critical questions of national security. When a President of the United States, with all of his power and all of his authority, stands before the American people and says: I am asking you to provide me your sons, your daughters, your husbands, your wives, your loved ones, to stand in defense of America—that, I think, is the most solemn moment of a Presidency. That is what is being questioned now. Was the information, for

example, in the State of the Union Address, accurate in terms of America's intelligence? Two weeks ago the President conceded at least that sentence was not.

What I have asked for in this amendment is that the Bush White House come forward with information on the gathering and use of this intelligence. With this information, they will be able to tell us with more detail exactly how the intelligence was used, intelligence related to the possession by Iraq of chemical and biological and nuclear weapons and locations, the links of the former Iraqi regime to al-Qaida, the attempts of Iraq to acquire uranium from Africa, the attempts of Iraq to procure aluminum tubes for the development of nuclear weapons, the possession by Iraq of mobile laboratories for the production of weapons of mass destruction, and the possession by Iraq of delivery systems for weapons of mass destruction, and any other matters that bear on the imminence of the threat from Iraq to the national security of the United States.

I go into particular detail in paragraph B of this amendment where it relates to the acquisition of uranium from Africa because I think this has become abundantly clear. Some person or persons in the White House were bound and determined to include language in the President's State of the Union Address which was misleading, language which the President has disavowed, language which in fact Director Tenet said should never have been included.

When you look at the uranium claims that were made in the President's State of the Union Address, and then read the statements made afterwards by members of the Bush White House, we can see on their face that we need to know more. Bush Communications Director Dan Bartlett, discussing the State of the Union Address, said last week that:

There was no debate or questions with regard to that line when it was signed off on.

I will tell you point blank that is not factual, based on statements made by Director Tenet.

On Friday, July 11 of this year, National Security Adviser Condoleezza Rice said there was "discussion on that specific sentence so that it reflected better what the CIA thought."

Miss Rice said, "Some specifics about amount and place were taken out."

Director Tenet said Friday that CIA officials objected and "the language was changed."

White House Press Secretary Ari Fleischer said Monday, July 14, that Miss Rice was not referring to the State of the Union speech, but she was, instead, referring to President Bush's October speech given in Cincinnati—even though Miss Rice was not asked about that speech.

We have a situation here where the President and his advisers and speech writers were forewarned in October not to include in a speech in Cincinnati

any reference to the acquisition of uranium by Iraq from the nation of Niger or from Africa. That admonition was given to a member of the White House staff and that element was deleted from the President's speech.

Now we have statements from the President's National Security Adviser suggesting that there was still some discussion that needed to take place when it came to the State of the Union Address. I will tell you that is not a fact. This amendment which I am offering is asking that we have final clarity on exactly what happened in the White House on this critical piece of information that was part of the President's most important speech of the year, his State of the Union Address.

White House Press Secretary Ari Fleischer also said on Monday, July 14, that while the line cut from the October speech in Cincinnati was based on Niger allegations, the State of the Union claim was based on "additional reporting from the CIA, separate and apart from Niger, naming other countries where they believed it was possible that Saddam was seeking uranium."

But Fleischer's words yesterday contradicted his assertion a week earlier that the State of the Union charge was "based and predicated on the yellowcake from Niger."

Consider the confusion and distortions which we have already received from this administration about that line in the speech, and what it was referring to. That is a clear indication that more information is needed, more clarity is needed. We need from the President leadership in clearing this up and, frankly, clearing out those individuals who attempted to mislead him in his State of the Union Address.

Miss Rice was asked a month ago about the President's State of the Union uranium claim on ABC's "This Week," and here is what she replied:

The intelligence community did not know at the time or at levels that got to us that there was serious questions about this report.

But senior administration officials acknowledged over the weekend that Director Tenet argued personally to White House officials, including Deputy National Security Adviser, Stephen Hadley, who is in the office of Condoleezza Rice, that the allegations should not be used in the October Cincinnati speech, 4 months before the State of the Union Address.

CIA officials raised doubts about the Niger claims, as Director Tenet outlined on July 11, last Friday. The last time was when "CIA officials reviewing the draft remarks" of the State of the Union "raised several concerns about the fragmentary nature of the intelligence with National Security Council colleagues."

Here is what it comes down to. We now have a battle ongoing within the administration over the issue of gathering and use of intelligence. The American people deserve more. They

deserve clarity. They deserve the President's disclosure. They deserve the dismissal of those responsible for putting this misleading language in the President's State of the Union Address. I think what is at stake is more than a little political embarrassment which this administration has faced over the last several days. What is at stake is the gathering and use of intelligence for the security of the United States of America.

This issue demonstrates the administration's intelligence-derived assertions about Iraq's levels of weapons of mass destruction-related activities raised increased concern about the integrity and use of intelligence and literally the credibility of our Government.

We now know that when Secretary Colin Powell, the Secretary of State, was to make his address to the United Nations several days after the President's State of the Union Address, he sat down and, it has been reported in U.S. News and World Report, for a lengthy gathering with Director Tenet at CIA headquarters and went through point by point to make certain that he would not say anything in New York at the United Nations which could be easily rebutted by the Iraqis. Secretary Powell wanted to be careful that every word that he used in New York was defensible. And one of the first things he tossed out was that element of the President's State of the Union Address which related to acquiring uranium from Africa.

Secretary Powell took the time and, with the right advisers, reached the right conclusion that certain things being said about Iraq that were being hyped and spun and exaggerated could not be defended. And he was not about to go before the United Nations Security Council and to use that information. He was careful in what he did because he knew what was at stake was not only his personal credibility but the credibility of the United States. That is why this incident involving the State of the Union Address is so important for us to look into.

On the question of weapons of mass destruction, on August 26 of last year, Vice President CHENEY said:

Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, against our allies, and against us.

On September 26, 2002, the President said:

The Iraqi regime possesses biological and chemical weapons.

On March 17, 2003, President Bush told the Nation:

Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised.

On March 30, 2003, Secretary of Defense Donald Rumsfeld, said:

We know where they are. They're in the area around Tikrit and Baghdad and east, west, south, and north somewhat.

Not only did the administration tell us that there were over 500 suspected sites Secretary Donald Rumsfeld was even specific as to their location.

Here we are 10 weeks later and 1,000 inspections later with no evidence of those weapons of mass destruction.

On the al-Qaida connection, last year Secretary of Defense Donald Rumsfeld described evidence about a connection between Iraq and al-Qaida as "bullet-proof." But he did not disclose that the intelligence community was, in fact, uncertain about the nature and extent of these ties.

In his speech before the United Nations Security Council on February 5, 2003, Secretary of State Colin Powell said, in addition to the al-Qaida-affiliated camp run by Abu Musab al-Zarqawi in areas not controlled by the Iraqi regime, two dozen extremists from al-Qaida-affiliated organizations were operating freely in Baghdad.

The claim of a close connection between the Iraqi regime and al-Qaida was key to the fears that Iraq could team up with terrorists to perpetrate another devastating attack on the United States. It is critical that the truth of these assertions be examined in light of what the United States has found during and after the war.

On the issue of reconstituting its nuclear weapons program in addition to the dispute about whether Iraq was trying to acquire uranium from Africa, the intelligence community was divided about these aluminum tubes that Iraq purchased and whether they were, in fact, intended to develop nuclear devices or only conventional munitions. Administration officials made numerous statements, nevertheless, expressing certainty that these tubes were for a nuclear weapons program.

In a speech before the United Nations General Assembly on December 12, 2003, the President said,

Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon.

On September 8, 2000, National Security Adviser Condoleezza Rice said on CNN's "Late Edition" that the tubes "are only really suited for nuclear weapons programs, centrifuge programs."

On August 26, Vice President DICK CHENEY told the Veterans of Foreign Wars that "many of us are convinced that Saddam will acquire nuclear weapons fairly soon. Just how soon we cannot gauge."

On March 16, the Vice President said:

We believe he has, in fact, reconstituted nuclear weapons.

Consider these assertions and these statements leading up to our decision to invade. The hard question which has to be asked is whether the intelligence supported the statements. If the intelligence did not, then in fact we have exaggerated misleading statements which have to be made part of our record.

On the question of mobile biological warfare laboratories, Secretary of

State Powell said in his speech to the United Nations Security Council that "we know that Iraq has at least seven of these mobile, biological agent factories."

On May 28, 2003, the CIA posted on its Web site a document it prepared with the Defense Intelligence Agency entitled "Iraqi Mobile Biological Warfare Agent Production Plants." This report concluded that the two trailers found in Iraq were for biological warfare agent production, even though other experts and members of the intelligence community disagreed with that conclusion, or believe there is not enough evidence to back it up. None of these alternative views were posted on the CIA's Web page.

Did this Nation go to war based on flawed, incomplete, exaggerated, or misused intelligence?

I am a member of the Senate Select Committee on Intelligence, which is conducting this review. I support that review because there is a lot we need to get into. We have oversight responsibilities over the intelligence agencies.

I commend our Chairman, Senator ROBERTS, and our ranking member, Senator ROCKEFELLER, on that committee. They have requested that the Inspectors General of the Department of State and the Central Intelligence Committee work jointly to investigate the handling and characterization of the underlying documentation behind the President's statement in the State of the Union Address. I certainly support that investigation.

But the question of how intelligence related to Iraq was used by policymakers is a different question that simply must be determined.

What we are saying now is if the Senate, as it did last night, rejects the idea of a bipartisan commission to look into the question, at the very least we should say in this Department of Defense appropriations bill that the President has a responsibility to report to Congress on this use of intelligence and information. It really goes to the heart of the President's responsibility as the head of our country and as Commander in Chief. He needs to have people near and around him giving him the very best advice based on the best intelligence. It is not only good for his administration, but it is essential for the protection of this Nation.

I yield the floor.

Mr. STEVENS. Madam President, before the Senator leaves, I wish to say categorically that had I been the Vice President of the United States, based upon the intelligence briefings that I have participated in now for over 20 years, I would have made exactly the same statements the Vice President made.

I believe sincerely that the record of history shows clearly that Iraq has tried to acquire and did acquire nuclear capability in the past. The Israelis destroyed it once. We know he was trying again to reestablish them.

There is no question that he had weapons of mass destruction. He used



them on the Iranians. He used them on the Kurds. Gas is a weapon of mass destruction.

There is also no question at all that he had the vehicles to transport weapons of mass destruction. Why did he build the vehicles if he didn't have them?

This nit-picking at the language that was used—it was used, we now know, in error in terms of veracity as far as the reliance upon the concept of what the British had because it was later disclosed that one of the things they had was a forged document. Why did the United Nations, 17 times, ask to examine that country to find the weapons of mass destruction if the world did not believe he was after weapons of mass destruction, after he used them on the Iranians more than 15 years ago? They bombed the plant that absolutely had the reactor in it. And we knew he had weapons then.

I have to say that when we look at what has happened, when our troops went into those barracks after the war commenced, they found that the Iraqis had special masks to protect them against weapons of mass destruction. We don't have those kinds of weapons.

The Senator is a member of the Intelligence Committee. I am reliably informed that at a classified session yesterday he asked CIA Director George Tenet the very questions which he has asked on the floor, and he received the answers. Some of the Members don't like the answers, but they received them. Had Director Tenet took responsibility for a mistake in his agency—clearly he had problems about the way that document was handled and in terms of the speech.

This is the third time this has come up now on this bill. This amendment would fence the Community Management Agency of the CIA, one of the most important and vital works of the agency. It would take \$50 million from them.

I am not going to do it now, but sometime in the future I am going to ask the Senator whether he believes that he never had weapons of mass destruction. Does he believe Iraq never had weapons of mass destruction? Does he believe there was no reason to go in there and do what we did?

The problem is this amendment standing alone would deny the following programs funding:

Assistant Director of the CIA to allocate their collection efforts against terrorists and other high-priority target activities. This is their central community program.

Talking about the intelligence community, one of them is the National Drug Intelligence Center's Analysis of Information for Narcotraffickers—a vital concept that deals with counterterrorism activities.

The second is the National Counterintelligence Oversight Analysis Assessment of Vulnerabilities to Foreign Intelligence Services.

The next is efforts to improve the intelligence community's expertise in foreign languages.

This was identified as the key unmet need by the joint inquiry that investigated the 9/11 activities.

Each of those programs is essential to our national security.

In order to make his point on this concept, the Senator again seeks to fence off \$50 million for those vital activities. I hope the Senate listens to us about what he is willing to do in order to make this statement again.

I shall move to table this amendment. But, again, I have been asked this question many times personally at home by the press and by family friends. Some of us are exposed to intelligence at a very high level of Government. We can't come out and talk about it.

I noticed in the paper yesterday that some of our people because of this issue are starting to "lip off" about intelligence matters that should be classified. The Senate and the Congress should come back to order on that. We are allowed access to classified information—and to have us, because of some question about one phrase in the President's speech, suddenly decide that classification means nothing, is wrong, and it is not in the best interest of the United States.

Now, Senator INOUE and I have been involved in extremely classified information for years. As a matter of fact, at our request, there was what we call a "tank" built in our building so we could have those people come visit us and we would not have to go out and visit the CIA or the other intelligence agencies. And we do listen to them.

Based on everything I have heard—everything I have heard; and the two of us have shared the chairmanship of the Defense Appropriations Subcommittee, which is defense intelligence related, since 1981—everything I have heard convinces me, without question, that Iraq tried to develop a program of weapons of mass destruction, and did, in fact, have weapons of mass destruction. And we were justified—just as the Israelis were over 15 years ago when they went in and bombed one plant—we were justified to go in and just absolutely disestablish that administration because it had rebuked the U.N. 17 times in terms of the attempt to locate those weapons of mass destruction and to do what Saddam Hussein agreed he would do after the Persian Gulf war. He agreed to destroy them. He admitted he had them. He agreed to destroy them. And we tried to prove he destroyed them. Now, what is all this question about whether he had them? Because he admitted he had them.

It is time we settle down and get back to the business of providing the money for the men and women in uniform around the world, and to ensure that the people who conduct our intelligence activities have the money to do what they have to do.

The extended debate on this floor about intelligence activities because of that one 17- or 16-word—I don't remember—the small phrase in the Presi-

dent's State of the Union message is starting to really have an impact on the intelligence-collecting activities of this country. We do not want to besmirch that. We have the finest intelligence service in the world. If someone made a mistake—and now it has been admitted there was a mistake; not in whether or not he was trying to put together his nuclear weapons program—the mistake was in reference to what the British did have; and it was later found that the foundation for what the British thought they had was a forged document.

Intelligence is absolutely essential to a nation that bases its capability to maintain peace on force projection, and we have to rely on many people to provide us information. Human beings make mistakes. God forbid that anyone would ever say because of one mistake we should harness the core efforts of our intelligence efforts and deny them the money this bill has for them to proceed until this commission, which the Senator wants to create, reports. I cannot believe we would delay the release of these funds for those reasons.

The ongoing efforts of the Intelligence Committee are known. The Senator is a member of the Intelligence Committee. We who are members of the Subcommittee on Defense Appropriations have access to everything they have access to, because we manage the money that finances the agencies they investigate. So there is a whole series of us here who have access to extremely classified information.

We classify it primarily because there are so many people involved that many lives might be in jeopardy if we disclose the sources of that information or we disclose the impact of that information in terms of the relationship to some of the programs we are funding today.

I urge the Senate to settle down. I urge the Senate to settle down. We do not need this continued debate about the words in that State of the Union message. That is history, and it is going to be examined in terms of politics in the future.

Now we had arranged the schedule this morning so we could conduct our business and still start the markup of four separate appropriations bills. I must be absent now as chairman of the committee for a period of time.

I move to table the Senator's amendment, and I ask unanimous consent that the vote on that occur at a time to be determined by the majority leader after consultation with the minority leader. At the time of the stacking of votes on this and other amendments, I shall seek approval for a recorded vote on this amendment.

THE PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Madam President, reserving the right to object, I ask what the Senator's intention is regarding the schedule right now after the Senator concludes his remarks?

Mr. STEVENS. Madam President, I have a motion to table. Has the motion to table been accepted by the Chair?

The PRESIDING OFFICER. The Senator has a unanimous consent request.

Mr. STEVENS. Madam President, I ask unanimous consent that the time for that vote be determined by the majority leader after consultation with the minority leader.

Mr. REID. Madam President, I reserve the right to object. The Senator from Illinois is also a member of the Appropriations Committee, but he wants to have an opportunity to respond.

Mr. DURBIN. I do.

Mr. REID. He can do it any way he chooses. We are not going to have a vote right away, so he can attempt to have the floor. I wonder if the Senator from Alaska would—we have no right to object in any way to the motion to table, but the Senator from Illinois has more to say.

Mr. STEVENS. I have no objection if the Senator wishes to respond. I wish to get my motion to table on the record, and I am happy for the Senator to speak after that motion in relationship to the amendment. I have no problem with that. I just want to get my part of this business done so I can go chair that committee markup.

The PRESIDING OFFICER. The motion to table is pending.

Mr. STEVENS. Is there an objection to my request that the motion to table vote be postponed until a time certain to be determined by the majority leader after consultation with the minority leader?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I am prepared to yield the floor, and you can talk as much as you want.

Mr. REID. Has the unanimous consent request been agreed to?

The PRESIDING OFFICER. No, it has not.

Without objection, it is so ordered. The request is agreed to.

Mr. REID. Madam President, before the distinguished chairman of the Appropriations Committee leaves the floor, the Senator from Minnesota asked a question: What are we going to do now? We have a number of amendments lined up. We are not going to do those because the two managers of this bill are members, of course, of the Appropriations Committee, as are Senator DURBIN and myself.

Mr. STEVENS. Will the Senator yield?

I would be prepared to make a request that after Senator DURBIN makes his remarks there be a period for morning business during which the Senator from North Dakota may be able to speak for up to 30 minutes on a matter not related to this bill.

Mr. REID. Reserving the right to object, the Senator from Wyoming wishes to speak for 10 minutes, I am told, on the bill itself.

Is that right?

Mr. THOMAS. Yes. I was going to follow up on what has been said.

Mr. REID. The Senator from North Dakota has no objection to him going first, he being the Senator from Wyoming.

Mr. STEVENS. That is fine.

Madam President, I ask unanimous consent that the Senator from Wyoming have 10 minutes to speak on the bill, and following that time, the Senator from North Dakota have 30 minutes as in morning business, and following that the Senator from—

Mr. DAYTON. Minnesota.

Mr. STEVENS. Minnesota.

Mr. DAYTON. I would like to speak on Senator DURBIN's amendment. I would agree to 5 minutes.

Mr. STEVENS. Could it be that we agree to 30 minutes of debate pertaining to matters relating to this amendment, notwithstanding the motion to table has been made? Is that agreeable? That will give us enough time to get back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Also, Mr. President, if I could, Senator KENNEDY is going to be here at around 11 o'clock. Of course, that has slipped.

Mr. STEVENS. It is roughly 11 o'clock.

Mr. REID. He will offer the next amendment. Perhaps then Senator BYRD will. Really, we are narrowing the number of amendments that are going to be offered.

Mr. STEVENS. Mr. President, I don't know what the Senate would do without the assistance of the distinguished Democratic whip. We have in history Light Horse Harry, and this is our "Heavy Horse" Harry. He does the heavy work around here, and we all appreciate him.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, pursuant to the unanimous consent agreement, I can assure my colleagues I will not take 30 minutes. I will be extremely brief because I already stated my case in support of this amendment. But I would like to respond to the Senator from Alaska.

He and I have had some titanic struggles on this floor over a variety of issues, but I have the highest regard and respect for him personally. I am certain he did not mean to suggest nor did he say I have disclosed any classified information in my statement this morning. I would not do that, not knowingly. What I have disclosed to the Senate, in preparation for a vote on this amendment, has all been a matter of public record and published information.

There are many other things I have learned as a member of the Senate Intelligence Committee to which I can't make reference, because it is classified and very important, that remain classified. But I don't know which bill you would go to if you didn't go to the Defense Department bill to deal with

questions of intelligence. It is one of the few, if only, bills coming before the Senate relating to intelligence gathering. We don't have a full blown discussion here about appropriations for the Central Intelligence Agency and all the intelligence aspects of the Federal Government. It is a carefully guarded secret of our Government as to how much is being spent and how it is spent. Many people have objected to that over the years. I understand their objections. I also understand the wisdom that we try to keep in confidence exactly what we are doing to gather information to protect America. About the only place where we openly discuss the funding of intelligence is in this bill. If you don't come to this floor on this bill to suggest that we can do a better job in gathering intelligence to protect America, then, frankly, there is no other appropriations bill to which you can turn.

I assume you might argue that the Department of Homeland Security, our new Department, has some aspects of intelligence. Maybe that argument can be made. But the most compelling argument is on this bill, the Department of Defense bill. That is why this amendment is not superfluous or out of line. This is where the amendment needs to be offered because what we are saying is, America is only as safe as the men and women who are protecting it, men and women who are in uniform, literally putting their lives on the line, and men and women working for our Government gathering information so that we can anticipate threats and make certain we protect the people.

What I have said in this amendment is we, clearly, know now that in the President's State of the Union Address statements were made which the President has disavowed as not being accurate and which the Director of the Central Intelligence Agency has said should not have been included because they were misleading. That is a critical element.

We gather across this Rotunda in the House of Representatives once a year, the combined membership of the House and the Senate, the Cabinet, the Supreme Court, the diplomatic corps, to hear the President deliver the State of the Union Address. It is his most important speech of the year. He outlines to the people the accomplishments of our Nation and the challenges we face.

This President came before us last January in an atmosphere leading up to an invasion of Iraq, a war. I don't think there is any more serious undertaking by a government than to say we are going to war. We are asking our citizens to put their lives on the line for the security of America. The President came to the people with that message.

We now know that at least one major part of that message—they say it is only 16 words but it was a major part of his message—was not accurate.

Do I think the President intentionally misled the American people?

There is no evidence of that whatsoever. I have not heard a single person say he intentionally misled the American people in making that statement. But I will tell you this, there were people in that White House who should have known better. They had been warned 4 months before not to use the same reference in a speech the President was giving in Cincinnati. They had been told by the CIA that the information was not credible, could not be believed, should not be stated by the President of the United States, and that section was removed from the President's speech in October.

Those same people in the White House, bound and determined to put that language in the President's State of the Union Address, put in misleading language which attributed this information not to our intelligence, because our intelligence had disavowed it, discredited it, said we can't believe it.

No, they attributed it to British intelligence. Our people believed the British intelligence had been wrong from the start and yet we allowed that to be included in the speech.

Across America and around the world, people heard our President say that Iraq was acquiring uranium—or attempting to—from Niger in Africa to develop nuclear weapons. That is a serious charge. It is as serious as any charge that has been made against Saddam Hussein's regime. Someone in the White House decided they would cut a corner and allow the President to say this by putting in that phrase "based on British intelligence."

I would think the President would be angered over the disservice done to him by members of his staff. I would think the President would acknowledge the fact that even if Director Tenet could not discourage that member of the White House staff and stop them from putting in that language, the President has within his ranks on his staff some person who was willing to spin and hype and exaggerate and cut corners on the most important speech the President delivers in any given year.

That is inexcusable. This amendment says that this President will report to Congress on exactly what happened in reference to that State of the Union Address, that finally we will know the names of the people involved, that they will be held accountable for this misconduct which has caused such embarrassment, not just to the President, not just to his party, but to our Nation.

We need to be credible in the eyes of the world. When statements such as the one made by the President are clearly disavowed by the President, it affects our credibility.

Last night we tried to create an independent bipartisan commission to look into this question in an honest fashion. It was rejected on a party-line vote with every Republican voting against it.

Now I have taken the second option. Now we call on the President himself.

Harry Truman from Independence, MO, used to say "the buck stops here," when it comes to the President. The buck has stopped on the President's desk. The question is, What will he do to establish his credibility, to make certain that the next State of the Union Address is one that is credible in the United States and around the world and to make sure those people who misused the power of their office to lead him to make those misleading statements are removed once and for all?

It is a painful chapter in American history but it is one we cannot avoid. So long as it is unresolved, there will be a shadow over the intelligence gathering and use of this administration. That is not in the best interest of national security. It is not in the best interest of the people.

We in Congress have our responsibility, as a coequal branch of Government, to enforce oversight and to make certain that the American people are well served.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Following the custom of alternating back and forth, I am prepared to defer to my colleague from Wyoming. I would like to inquire as to his intentions to speak.

Mr. THOMAS. Madam President, my understanding was that I was going to have 10 minutes, then we would go to Senator CONRAD, and then the Senator from Minnesota.

The PRESIDING OFFICER. It is correct that the Senator from Wyoming has 10 minutes, to be followed by the Senator from Minnesota.

Mr. REID. I am sorry.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Is the consent agreement, as interpreted by the Chair, that the two morning business matters will be completed prior to debate on the motion to table? That seems a little unusual.

The PRESIDING OFFICER. The Senator from Wyoming is speaking on the amendment for up to 10 minutes.

Mr. REID. I apologize.

Mr. DAYTON. I have asked unanimous consent that following the conclusion of the remarks of the Senator from Wyoming, I might speak on the amendment for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. THOMAS. Madam President, I rise to discuss similarly what our floor leader said a few moments ago in terms of this bill before us. We are here to talk about the Defense appropriations. We have gone on now for a couple of days focusing on this matter of uranium from Africa. It seems to me that we need to focus on the issue that is before us and that is supporting our troops where they are, the Defense appropriations that we have, and probably the most important, certainly the

largest appropriations that is before us.

I have been listening now for some days and listening to the media, the charge that the 16 words President Bush uttered during his January State of the Union have been false. This is what he said:

The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

That is what was said. So we say this may be false because in fact the British Government continues to stand by the assertion even if the CIA does not. So what Mr. Bush said about what the British believed was true in January, and it is still true today. That is what the British believed.

Now do we need to take a look at our intelligence system? Of course, that is very important to us. But anyone who thinks every piece of intelligence is going to have certified truthfulness behind it, of course, is being naive. Because that is not the way things work.

It is so clear this is so political that it really is kind of hard to accept. In fact, there are ads out now, political ads, assailing the President's credibility, and they go ahead and quote what the President said. But interestingly enough, they leave off the words "the British government has learned."

They leave those off. Doesn't this give you some feeling that we are taking this a little more politically than we are anything else? It seems to me that is the case. We are here now and this whole matter of weapons of mass destruction is an issue we are all concerned about. But this matter of uranium is not the reason we are in Iraq. Saddam Hussein used chemical weapons on his own people, his neighbors. Clearly, the production facilities were making chemical and biological weapons. There is no question about that.

In September 1980, Iraq invaded Iran, and Iraq used chemical weapons. In 1988, chemical weapons were used against Iraqi Kurdish, killing 5,000 Kurds. After Operation Desert Storm, February 18, 1991, in the terms of the cease-fire, Iraq accepted the conditions of the U.N. Security Council resolution. That resolution required Iraq to fully disclose and permit the dismantling of the weapons of mass destruction. That did not happen. That is why we are there.

This idea of leading us off the track because of the uranium is not really the issue. Should we look at our intelligence system? Of course. We do that constantly. But we don't need to take away the dollars that are in this bill for those agencies while we take a look at it. There is nothing more important in the world today than to have intelligence.

I just think we need to cut through some of the things that have been going on here and we need to get down to what issues there are that affect our defense and the American people and deal with those. Politics is fine, but this is not the place to continuously

use items that are obviously just political and try to take away the credibility of the President, which is one of his greatest assets, and I understand that. I understand that we are in an election cycle and so on. I really think it is time to deal with the important issues. We are having hearings. I think we need to move on and deal with the issues before us—to continue to clean up the situation in Iraq, look for peaceful solutions. That is really what it is all about.

I will not take any more time. For a couple of days, I have been listening to this constant recital of the same sort of thing. It seems to me it is pretty clear where we are. We are in Iraq for a number of reasons, this being a very slight impact on the decisionmaking. What we are really intent on doing is getting on with these appropriations bills, supporting our military, providing a strong military so we can continue to do the things we have to do. But this idea of continuing to try to contain an issue and make it something more than it really is seems to me to be worn out.

I hope we can move forward. We have a lot to do. We need to deal with the issues that are before us. I don't think this particular amendment is useful. We already have a system for looking at this. Withholding money pending a third-party operation simply doesn't make sense. I hope we will table this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. I fully concur with my colleague that we need to conclude our work on this bill. This is the third day we have been on this matter. There are several hundred billion dollars involved; it is one of the most costly measures we consider every year. The majority leader said we will complete work on the bill tonight. I expect we will do so with that instruction. I am prepared to stay late, as others of my colleagues are, to talk about these issues. I cannot think of anything that is more profoundly important to this country today and to the future of this Nation and to the world today and to the future of the world than what we are addressing, which is the circumstances that caused the President of the United States to make, as my colleague from Illinois said, an onerous and fateful decision to start a war, doing something that was unprecedented in our Nation's history—to initiate a war against another country, invade another country.

Now, there may be other reasons cited for doing so, but under international law, under the U.N. Charter, of all the reasons cited by the administration for this action, the one that has no credence is the threat of an immediate and urgent attack against the United States by weapons of mass destruction with the missile capability to deliver them. That is what was stated and implied on a frequent basis by

members of the administration last fall.

This is not about one 16-word inclusion in the President's State of the Union speech, as important as that is. This is about questions, as the Senator from Illinois said, that dictated the actions or influenced the actions of Congress last October in voting to give the President the authority to initiate military action, which the President followed through on 6 months later, for which we have 145,000 sweltering Americans in Iraq today. I was there 2 weeks ago in 115-degree temperatures. If anything, they are even hotter than that at this point in time. Some of those incredibly brave young men and women won't come home to their families and friends alive. They will give the ultimate sacrifice on behalf of their country.

So these are profound matters. I commend my colleague from Illinois for his careful choice of words and his reasoned approach to these matters, in recognition of his position on the Senate Intelligence Committee, his restraint in sharing only unclassified information to support his amendment, which I am proud to support myself.

We have tried on this side of the aisle in the last days to strike some bipartisan agreements about how to address matters of disclosure of financial expenditures for this military undertaking. We talked with the distinguished chairman of the Senate Appropriations Committee about where the money is in this bill for the purposes of the ongoing military operations in Iraq and Afghanistan.

The chairman informed us that 2 days ago, in the 2003 supplemental appropriations, those funds were provided that are being drawn down for the purpose of conducting these military operations in those two countries and we should expect another supplemental appropriations request to be forthcoming early in the next calendar year. That same day, however, the comptroller for the Department of Defense was quoted as saying there remains only \$4 billion in that account. Given the statement of the Secretary of Defense to our Senate Armed Services Committee the week before that we are spending, on a monthly basis, \$4.8 billion in Iraq and Afghanistan combined, it is quite obvious that that \$4 billion is going to last them less than another month.

So we have tried and we have not been as successful as we should be because it ought to be transparent to this body exactly what is being spent, where it is being spent, and we ought to be appropriating, as others have pointed out—Senator BYRD first and foremost among them—that we ought to be doing this through proper channels.

Yesterday, as the Senator from Illinois said, we tried to get an agreement for a bipartisan independent commission that would be established and that would bring, it is my conception, the

distinguished senior Americans, those whose credibility and integrity and experience and wisdom are unquestioned and would bring forth for the benefit of this body, but most importantly for the benefit of all the American people, what are the facts in these questions that have been raised and how do they instruct us in terms of the veracity of our intelligence information and the veracity of our political leaders.

Yesterday there was an editorial in the Washington Post which stated just that. It said: "Wait for the facts." It cited the President's remarks in his State of the Union Address, the 16-word sentence that has received so much attention. It went on to say:

If so, that would represent one of several instances in which administration statements on Iraq were stretched to reflect the most aggressive interpretation of the intelligence.

That, I believe, is a carefully phrased way of saying what I said earlier in my remarks. There were several times last fall when the implication was made or the assertion was stated that these weapons of mass destruction were not only developed but were poised to be used against the United States and that they constituted an immediate and urgent threat to our national security which, as I said before, both under U.N. charter and international law, is the single legal basis for the United States to invade another country: The threat of imminent attack or the actual attack itself.

As the most powerful nation in the world, the one that has led the way for over the last half century in not starting wars—finishing wars successfully, but not starting them—for us to engage in now the first of what the President has articulated as the doctrine of preemption, where we will initiate those wars, we will attack first, in the judgment of this Senator is a very unwise course which will dangerously destabilize the world if it becomes the normal practice of nations, other than the United States—and we have to expect it will—to launch those kinds of attacks.

Last August, before the Veterans of Foreign Wars in Nashville, Vice President CHENEY said:

There's no doubt that Saddam Hussein has weapons of mass destruction.

Secretary of Defense Donald Rumsfeld in September in Atlanta said that American intelligence had "bullet-proof" evidence of links between al-Qaida and the government of President Saddam Hussein of Iraq.

In each case, officials have offered no details to back up those assertions. Mr. Rumsfeld said today doing so would jeopardize the lives of spies and dry up sources of information.

As was stated by a couple of my colleagues, we have to rely on this hidden information which can be alluded to, to prove just about any point anybody wants to make, but we cannot know the facts.

In October, the President himself made his argument, quoting an article

in the Chicago Tribune, for invasion, emphasizing the notion Hussein could strike the United States first and inflict "massive and sudden horror."

Finally, Secretary Rumsfeld, again testifying before the Armed Services Committee, said:

The United States must act quickly to save tens of thousands of citizens.

I could go on with illustrations. My point is, we should let the facts speak for themselves. We deserve to know the facts. We deserve and must know, for the sake of our national security, whether the information we received from intelligence agencies was accurate, and we need to know for the sake of our democracy whether the representation of those facts by our leaders was accurate.

That is the intent of the Durbin amendment. It is the reason it should be approved by this body. It is the reason this body should do what is right, which is to seek together to know the facts.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I thank my colleagues for raising these important issues. I am going to take the first few minutes of my 30 minutes to talk on what has been discussed this morning because I think it is so important to the country, and then I will turn to another subject.

I have not previously spoken on these issues on the floor because my primary responsibility in the Senate is representing the State of North Dakota, and I have special responsibility for budget issues in my position as ranking member on the Budget Committee and as a senior member of the Finance Committee for matters that relate to Social Security and Medicare and the financing of the U.S. Government, and, of course, in my role on the Agriculture Committee dealing with questions of agricultural policy. I am not on the committees that deal with foreign policy and defense policy.

All of us have a responsibility to speak out when we believe the country is headed in a wrong direction. I believe the President is taking us down a road that is fraught with real danger for the country.

The President asked this Congress—the Senate and the House—for authority to launch a preemptive attack on another nation, an attack before that country had attacked us or attacked any of our allies. In fact, Iraq had not engaged in an attack on anyone for more than a decade. The President told us and told the world that they, Iraq, represented an immediate and imminent threat to America.

I personally believe there may be a place for preemptive attack in protecting the American people. I believe if we have clear and convincing evidence that a country represents an imminent threat to our people, we have a right to act first, especially in a world

where weapons of mass destruction do exist, to prevent catastrophic loss to our Nation.

When we launch a preemptive attack on another country, we had better have it right. We had better make certain that what we are saying and telling the world is correct. This President and this administration told the world and told this Congress that Iraq had weapons of mass destruction. There were many reasons to believe that statement, but now the harsh reality is, those weapons of mass destruction have not been found. This administration and this President told the Congress and told the world that Iraq was trying to develop a nuclear capability, and they gave as their best evidence that Iraq was seeking to buy uranium from Niger. That has proved to be wrong.

The President told the world and told this Congress that there was a clear connection to al-Qaida, and repeatedly we were told the best evidence was there was a terrorist camp in Iraq training al-Qaida operatives. Now we learn that camp was in a part of Iraq not controlled by Saddam Hussein but controlled by the Kurds.

The day before yesterday, the President made the most astonishing statement of all. In the Washington Post, the President is quoted as saying that he attacked Iraq because Saddam Hussein would not permit the U.N. weapons inspectors into the country.

I do not know if the President was misquoted. I have seen no attempt to correct the record. I said nothing about this yesterday because I hoped that the White House would say the President was misquoted. There has been no attempt to correct the record.

We all know the weapons inspectors of the U.N. were in the country. They were in Iraq. They were going site to site trying to determine if there were weapons of mass destruction, trying to determine if there was a nuclear program underway in that country. For the President to now say he attacked Iraq because they would not permit inspectors absolutely stands the facts on their head. The inspectors were there. The reason the inspectors left is because we were threatening to attack Iraq. So saying that Saddam Hussein did not permit inspectors in as a rationale for war is mighty thin.

We have a fundamental problem of the credibility of the Nation. Our country told the world a set of assertions, one after another, that have proven to be wrong or have proven not to be demonstrably the case. That puts our country's credibility at risk. When we are talking about attacking other nations preemptively, as I said in the beginning, we better make certain we have it right because if we start going around the world attacking countries and cannot prove our assertions that they represented an imminent threat to us, then I think America is in very serious risk of alienating the world community. That is not in our interest.

Mr. REID. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. REID. Senator DURBIN had to go to an appropriations meeting, but he asked that I relate to the Senate, and I will do it through the Senator from North Dakota—is the Senator from North Dakota aware there is a Web site the President has—I am sure the Senator is aware of that; is that right?

Mr. CONRAD. Yes.

Mr. REID. Well, I am aware of the fact that there was a part of that Web site that one can no longer get into. "Behind the Scenes" is what it was entitled. I hold up in front of the Senator now something that was on the Web site that one could go to, but one cannot anymore, talking about how the President prepares the State of the Union Message.

It says: Behind the Scenes, State of the Union preparation.

And it shows the President with his hands out there. It shows the President going over his speech word by word.

Under this, it says: While working at his desk in the Oval Office, President Bush reviews the State of the Union address line-by-line, word-by-word.

I want the Senator from North Dakota to know that Senator DURBIN—this is on his behalf but certainly I underline and underscore what he wanted to be printed in the RECORD—we are to a point that the Senator from North Dakota said we are. It is the credibility of not necessarily going to war in Iraq, which is certainly part of it, but the credibility of this country in the world. Can the United States of America, the great country that it is—can people depend on the word of the President of the United States? And certainly in that they have taken this off the Web site, it indicates that there is certainly a problem with the President going over his speech word-by-word, line-by-line.

Mr. CONRAD. I say to the Senator, I have not said anything for weeks on this issue, but with each passing day I become more concerned about the credibility of our Nation. When a policy is announced of preemptive strike, something we have never done before in our country's history—I remember going to grade school and being taught that America never attacked first, but if somebody attacked us, we countered and we always won. That was what we were taught growing up. I was proud of it. I was proud that America never attacked first.

Now the world has changed. I would be the first to acknowledge the world has changed. I can see a role for preemptive strike in a world where weapons of mass destruction do exist in order to prevent catastrophic loss to this country. But we better be very certain before we launch an attack on another nation that that attack is justified and that, in fact, that nation represents an imminent threat because, if we start attacking nations and we cannot prove our assertions, very quickly

the rest of the world is going to doubt our word, our credibility, and our basic goodness as a nation. Now, that is serious business.

The fact is, this administration told the world Iraq had weapons of mass destruction; that they were trying to develop nuclear capability; that there was a connection to al-Qaida. Each and every one of those claims now is in question. It is not just 16 words in the State of the Union. It is far more serious than that.

For the President, the day before yesterday, to compound it by saying he attacked Saddam Hussein because he did not permit U.N. weapons inspectors in that country is false on its face. We all know the weapons inspectors were there. We all know they were going site to site trying to find weapons of mass destruction. The question of whether or not they were effective or not is another question but to assert to the world that we attacked Iraq because there were not inspectors there, I am afraid it makes us look as though we are not very careful with our claims.

(The further remarks of Mr. CONRAD are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, what is the business before the Senate?

The PRESIDING OFFICER. The Durbin amendment is before us.

Mr. KENNEDY. I ask unanimous consent that it be temporarily laid aside so that my amendment will be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1280

Mr. KENNEDY. Madam President, I send an amendment for myself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. HARKIN, and Mr. LIEBERMAN to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. HARKIN, and Mr. LIEBERMAN, proposes an amendment numbered 1280.

Mr. KENNEDY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the use of funds for converting to contractor performance of Department of Defense activities and functions)

Beginning on page 46, strike line 24 and all that follows through "Provided further, That the" on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of De-

fense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) requires a determination regarding whether the offers submitted meet the needs of the Department of Defense with respect to items other than costs, including quality and reliability;

(3) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(4) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) \$10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A-76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b)); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

Mr. KENNEDY. Madam President, this is an issue which we have considered a number of different times. I know the manager of the bill is familiar with the amendment. I know he is necessarily absent at this time, but he does know the substance of the amendment, and he is involved in the activities of the Appropriations Committee.

I will make a presentation and then engage with him when he returns to elaborate and summarize again the reasons and the rationale for this amendment.

I also understand it is both the desire of leadership and the floor managers to move the process along. I will be glad to work out with the managers of the bill a time for the Members to consider this amendment in a timely way.

Basically, this is the issue. I will go through it in more careful detail in just a few moments.

In 1993, we had approximately 1 million Federal employees. It has been the desire and the plan of this administration in the last 2½ years to see that the number of Federal employees is reduced dramatically and that there be outsourcing.

The amendment which we are proposing today follows and embraces the Commercial Activities Panel recommendations on outsourcing so that it will be fair to employees and fair to the taxpayers. This is an excellent report that was made up of contractors and other distinguished panel members. It was recommended in the Defense Authorization Act of 2001. The panel adopted as its mission to improve the current sourcing framework and process so that they reflect the balance among taxpayers' interests, Government needs, employee rights, and contractor concerns.

That is what this panel recommended.

The administration has been selective in part of the recommendations this panel has taken.

This amendment would include the two principal recommendations which the current administration has refused to include. They are included on page 50 of the Commercial Activities Panel. I will describe them in greater detail. But the sum and substance of this amendment is effectively to follow the recommendations that were made in a nonpartisan way which is going to ensure we are going to get the best for the taxpayer dollar and treat the Federal employees fairly.

The current administration has carefully eliminated two very important protections the panel recommended. This amendment incorporates those two recommendations in the administration's consideration for the outsourcing which will, if accepted, ensure that as the administration is considering the most efficient way to get the most efficient result as a result of contract competition we will carry forward the mission, in this case, of the Federal employees and the taxpayers.

That is what I think we ought to try to do. We ought to do what is fair to the taxpayer and to the employees. The current system does not. This amendment will.

Of the Federal employees that we are talking about, 40 percent are veterans. At the current time, 9,000 of these workers have been activated. A great many of them are over in Iraq. This is a wonderful set of circumstances.

While on the floor of the Senate, we say we care about our service men and women in Iraq, and we have several thousand of them over in Iraq who happen to be Federal employees. Forty percent of the Federal employees are veterans, and we are about to do them short shrift, if we do not accept the amendment which I offer. I think that is something which would be unworthy of this body at any time and would be unworthy of this body at this particular time.

The Office of Management and Budget put in place this year the most sweeping changes in rules on outsourcing of Government work in half a century. These rules contain no requirement for fair competition that would enable the Government employees an opportunity to demonstrate that they can do the work more effectively and for lower cost than private contractors.

Now the administration wants to use these new rules to privatize at least 225,000 Department of Defense civilian jobs in the years ahead. That is too much work, too many jobs, and too much of our national security to contract out without fair competition.

As I mentioned, nearly 40 percent of the civilian employees in the Department of Defense are veterans who served this Nation proudly. More than 8,000 are activated reservists serving in Iraq and other parts of the world defending our Nation. We owe it to these patriotic Americans not to privatize their jobs without fair competition.

At a time when we are spending \$4 billion a month in ongoing operations in Iraq, we should ensure the taxpayers are getting the best value for their money. Yet one of the most significant parts of the administration's proposal for the Department allows so-called "streamlined" competition for activities involving 65 or fewer employees. The streamlined rules emphasize speed in privatizing Federal jobs at the expense of quality and cost. The process must be finished in 90 days. The rules eliminate important fair competition requirements.

Federal employees are at a competitive disadvantage because the rules do not allow them to submit their best bids known as the "most efficient organization" plans. That is in contrast to the recommendation. They effectively prohibit Federal employees from being able to submit their best bid.

The rules also eliminate the guarantee of cost savings because they fail to require contractors to show appreciable savings by privatizing the work.

That is why I offer this amendment today, to ensure that no funds are spent on contracting out Defense Department jobs without fair competition. This amendment is about fair competition.

Federal employees must be allowed to offer their best bids. Competition must take into account both the cost savings and the quality. And the health care costs for employees cannot be a

deciding factor because Federal employees would obviously be at a disadvantage, and contractors would have an incentive to deny health benefits at all.

There are companies that do not provide the health care benefits. If they are in competition with the Federal employers who do provide it, it obviously skews it in favor of the private companies. We do not want to use the competition, in terms of Government contracts, to encourage employers to drop their health insurance for their employees. That certainly would be counterproductive in terms of all of the challenges we are facing in the health care area. Under this amendment they are not disadvantaged, therefore, by providing the health benefits to the Federal employees.

This amendment in no way prevents public-private competition. It is a moderate approach to ensure that competition is fair and leads to cost savings.

The Commercial Activities Panel, the group charged with reviewing outsourcing policies, has recommended that any replacement for the current competition process should include "the right of employees to base their proposal on a more efficient organization, rather than the status quo." This is their second recommendation under section 4, on page 50:

[T]he right of employees to base their proposal on a more efficient organization, rather than the status quo.

That particular recommendation is eliminated, which obviously disadvantages the Federal employees in terms of the competition.

The panel, comprised largely of contractor and administration representatives, made no exception for functions involving 65 or fewer employees. This is just a figure that was drawn by the administration.

The Commercial Activities Panel also recommended that any replacement in the current competition process should include a minimum cost differential, which requires the private contractor to be at least 10 percent or \$10 million more efficient than the Federal Government.

Without the minimum cost differential, a private contractor could be judged just a few dollars more efficient and take the work away from the Federal employees. Taxpayers would actually lose money on such a contract because of the significant costs of conducting the competition, shifting the work to the private sector, and administering the Government's role in the contract. Unless the private sector can show a significant reduction in the cost, it makes no sense to privatize the work.

That has been thoroughly reviewed in this panel, and yet their recommendations on the 10 percent or \$10 million requirements are effectively eliminated. This panel reviewed the various minimum standards that ought to be included and made their recommendations, but the administration

has effectively eliminated those. This amendment, again, embraces their overall recommendations.

On the issue of health care costs, the amendment would reduce the perverse incentive for contractors to provide inferior health care benefits to the employees. The amendment would require the Defense Department to determine the average cost of health insurance for a Federal employee, which remains the same each calendar year for each employee.

If the health care costs for Federal employees and private contractors are the same or the contractor's contribution is in excess of the standard established by Congress for the Federal workforce, then the provision will have no effect. But if the contractor's contribution is less than the Federal standard, the contractor cannot receive an unfair advantage in the cost comparison process.

This provision addresses a bipartisan concern about inferior or nonexistent health insurance coverage for employees, particularly for those who perform the Federal Government's work.

At a time when we are more concerned than ever about homeland defense, these OMB rules give an unfair advantage to private contractors who have little accountability. Yet critical aspects of our national security could be privatized.

The repair of planes, ships, and tanks, and the storage and distribution of vital weapons and supplies can be contracted out under these rules. We all know what a disaster it was when the private companies screened bags at our airports. Now Federal workers are doing the job better and Americans are feeling safer.

Today, there is far too little real competition for contracts to provide goods and services to Federal agencies. We should be getting the most out of every taxpayer dollar. But less—listen to this—less than 1 percent of Department of Defense service contracts today are subject to full public-private competition.

Adoption of this amendment will lead to a better and more efficient procurement policy for the Department of Defense. No jobs would be outsourced without an analysis showing cost savings. Government procurement should be based on what is best for taxpayers and national defense and national security. The amendment will produce real savings for the taxpayers and more reliable equipment for our courageous men and women in uniform.

We face great challenges to the Nation's security in these difficult times. More than ever, we rely on the Department of Defense, its dedicated members of our Armed Forces, and its dedicated civilian employees. We owe it to all of them to see that any competition process treats them fairly.

Let's not spend money on outsourcing that results from unfair competition and produces inefficient results. Public-private competition



should be fair to Federal employees. I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in support of the Kennedy amendment. A-76 is a program that was implemented by the Government several years ago to try to make sure that contracts let in the public and the private sector are actually saving money. Are the taxpayers getting the best bang for the buck that was intended at the time the contracts were let?

Folks in the public sector have never minded competing with the private sector for any type of public contract. The problem with A-76 is, when they go back and review those contracts that have been let, it seems they always go review the contracts that were awarded to the public sector and they never go to the contracts that were awarded to the private sector.

If A-76 is going to be fairly applied to the public sector, it ought to be applied to the private sector. That is simply not the way A-76 has worked over the years.

I complained about the previous administration on this issue, I complain to the current administration on this issue, and we have simply seen no change in the policy with respect to A-76.

Competition is what makes our country go round and round in the business community. Nobody minds competing if they are in business for the right reason. And when it comes, in my case, to the instances where I have the most experience—in the public depots—we have never minded competing with the private sector for a contract when it comes to repair or improvement of our military weapons systems. But every time we get awarded a public contract, it seems that 1 year, 2 years, or 3 years out, all of a sudden we are seeing an A-76 that is submitted and the folks come in and review the contract that has been awarded to the public depot, while, on the other side of that coin, the dozens and dozens and dozens and billions of dollars in contracts that are awarded to the private sector are never subject to the A-76 review.

Senator KENNEDY's amendment goes a long way toward righting that wrong. I support that amendment. I support making competition open, making competition fair between the public sector and the private sector. And if the administration is not going to take the initiative to do that, and make sure that is the fact of the matter in contracts that are awarded to the public sector, then this is the type of action we have to take.

I support the amendment.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside so the Senator from Wisconsin, Mr. FEINGOLD, can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. What is the pending business at this time?

The PRESIDING OFFICER. The Kennedy amendment has been set aside in order for the Senator from Wisconsin to present an amendment.

#### AMENDMENT NO. 1279

Mr. FEINGOLD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1279.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To state the sense of the Senate on a report on the detention and April 11, 2003, escape in Yemen of the suspects in the attack on the U.S.S. Cole)

Insert after section 8123 the following:

SEC. 8124. It is the sense of the Senate that—

(1) the President should, in consultation with the Secretary of State, the Attorney General, and the Director of Central Intelligence and taking into account limitations connected with ongoing legal proceedings, submit to Congress a report on the circumstances surrounding the detention and April 11, 2003, escape in Yemen of the suspects in the attack on the U.S.S. Cole; and

(2) the report should—

(A) describe the efforts undertaken by the United States Government to investigate security at the Yemen detention facility holding individuals suspected of being involved in the attack on the U.S.S. Cole, including information on when such efforts were undertaken;

(B) describe the efforts undertaken by the United States Government to monitor the status of such individuals throughout their detention and to question such individuals about their relationship to al Qaeda and their involvement in the attack on the U.S.S. Cole; and

(C) describe the efforts undertaken by the United States to determine how the escape occurred and to determine who was involved in aiding and abetting the escape.

Mr. FEINGOLD. I rise today to offer an amendment directly relevant to the most important national security priority before this country today. That, of course, is the fight against international terrorist networks that have murdered Americans.

We have heard a good deal recently about some questionable assertions made by the administration in the lead-up to the military action in Iraq. We still have not satisfactorily re-

solved concerns that I and some of my colleagues raised in the lead-up to the war in Iraq that I referred to and have referred to for almost a year as the “ever shifting justifications for United States action in Iraq.”

Congress is right to keep asking questions. The American people are right to demand answers. They deserve a complete and public accounting of how a piece of intelligence that was removed from a Presidential speech last fall because of doubts of its veracity then found its way into this year's State of the Union Address.

I rise to point out the administration's shifting justifications and flawed intelligence are not the only problems. There is another problem, and I argue it is as alarming or even more alarming. The problem is while all of this was underway—that is, the Iraq activities—while we were hearing less-than-accurate information as part of the administration's hard sell, we may well have been dropping the ball when it comes to addressing the most urgent threat to our national security; that is, combating the al-Qaida terrorist network and other international terrorist networks of global reach.

Of course, the horror of September 11, 2001 is seared into the memory of all Americans, but there have been other horrors: The African embassy bombings of 1998 and, yes, there was the attack on the USS *Cole* in Yemen. On October 12, 2002, the USS Navy destroyer *Cole* was attacked by a small boat laden with explosive during a brief refueling stop in the harbor of Aden, Yemen. The attack killed 17 members of the ship's crew, including a sailor from my home State of Wisconsin, and wounded 39 others. The evidence clearly indicates al-Qaida was responsible for the attack on USS *Cole*.

However, how many people know on April 11, 2003, just a few months ago, 10 men suspected of involvement in the *Cole* bombing escaped from a prison building in Aden, Yemen? How many people have heard about that? It is not only the basic information that has been in short supply; explanations for this escape of these al-Qaida suspects is also hard to come by.

In early May, the Yemeni foreign minister suggests in remarks made to the BBC that “part of the problem is the long period of time during which they [the suspects] were held.” The Yemeni government called for sending them to court, but Washington also asked for postponement until the conclusion of its investigations into the *Cole* explosion or the file of terrorism in general.

The comments continue: “Incidents like this happen, especially when prisoners spend a long time in one place and guards become reassured that the prisoners have become used to prison and will not escape.”

This Yemeni statement suggests the U.S. Government was certainly aware of the detainees and involved in the issue. That is, of course, something we

would expect in this case, about people who were in prison in Yemen whom we knew to be the likely people involved in the bombing of our USS *Cole*.

On May 15, the Justice Department unveiled a 51-count indictment against two of the escapees, Jamal al-Badawi and Fahd al-Qusaa. The two were indicted on various terror offenses, including murder of United States nationals and murder of United States military personnel. The indictment said Badawi was recruited by senior members of Osama bin Laden's inner circle and he bought the attack boat in Saudi Arabia and obtained the trailer and truck used to tow the boat to Aden harbor. The press conference at which the indictments were announced underscored the seriousness of this matter. Obviously, given the press conference held by the administration official, this is not a small or a marginal issue.

We are talking here about the escape of operatives of Osama bin Laden. We are talking about people here who murdered 17 Americans. Fighting those forces, the forces of al-Qaida, must be our first priority.

When I wrote to the State Department and the Justice Department to gain some answers about just what happened here, I have to tell my colleagues, the answers were not satisfying in the least. In fact, a number of questions remain.

What were the circumstances surrounding the detention of the suspects? Where were they held? Were they moved? Where were they moved? What steps did the administration take to ensure the United States was familiar with the status of people suspected of involvement in a terrorist attack on our sailors? Did anyone representing the United States Government ever question these suspects? Did anyone ever visit the facility where they were being held? Did anyone even bother to visit the facility after the escape to try to understand how they escaped? Was the U.S. Government involved in any way in monitoring these detainees prior to their escape?

Again, I am talking about al-Qaida operatives. The indictment of Jamal al-Badawi indicates he was recruited by members of Osama bin Laden's inner circle. If he was a known al-Qaida operative, why didn't the United States take steps to monitor the detention facility where he was held? What do we know about the circumstances surrounding their escape? What kind of help did they have? Do the facts tell us anything about whether the decisions to facilitate the escape were taken only at a low level or were they taken at a higher level? If these escapees had help, what happened to the people who helped them? What does the U.S. Government know about these people and about what they are doing now? What steps have we taken to urge that those people be held accountable for their actions? What steps are currently being taken to find and detain the escapees? What steps are being taken to ensure they do not reach United States soil?

It is not unreasonable to expect answers to these questions. My very modest amendment simply expresses the sense of the Senate that the administration should provide them in the form of a report on this incident. If such a report needs to come in a classified format, I understand that, of course, and that is fine. What is not fine, though, is the prospect of letting this issue go unexamined. This escape occurred just as our brave troops were entering Baghdad, at least in part, in the name of stopping the threat of terrorism.

We cannot afford to be easily distracted, incapable of focusing on a global effort to stop terrorists because of our intense focus on other issues with only a nebulous connection to this most important priority of stopping international terrorist networks. I fear we have wondered far afield from the urgent task at hand. I am troubled that the same administration that was recklessly threading together any and all justifications for a war with Iraq a few months ago may have at the same time been complacent about the status of the USS *Cole* attackers.

This past Sunday on Meet the Press, Secretary Rumsfeld suggested that finding Saddam Hussein was more important in terms of providing, in his words, "closure" than finding Osama bin Laden. I know the al-Qaida network consists of far more than one man, but I fear the Secretary's remarks are emblematic of the problem. First and foremost, I believe the American people want to defeat the forces that attacked us. But this administration is leading us in some unrelated directions. We should be focused on stopping al-Qaida, stopping other terrorist networks, and denying terrorists access to resources, opportunities, and safe havens.

We all deserve to know what happened with this escape. All of us should join together in determining what lessons we can learn from this incident and what it tells us about where we have been placing our national security focus and priorities.

I urge my colleagues to support this amendment.

I intend to withdraw the amendment at this time, but we will certainly be revisiting this issue. I hope the administration will hear those words and respond to the need for the answers to these questions. The legislative option certainly remains available on other, perhaps more appropriate, vehicles. But given my inability to get answers to these questions thus far, I believe it is necessary to begin the process of raising this matter in the legislative process itself.

AMENDMENT NO. 1279 WITHDRAWN

Mr. President, I ask at this time to withdraw the amendment.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield to my colleague from Nevada.

Mr. REID. Mr. President, I was speaking on the floor the other day about a statement on President Bush's Web site. I read from that one site. I had been told earlier that part of the Web site was no longer available to the public. Since that time, I have been advised that is not true. If that were the case, I would want that stricken from the RECORD. I would, however, say that doesn't take away from the fact part of the President's Web site indicates that he reads every word of his speeches, especially his State of the Union speeches, and works on it on a word-by-word basis.

Mr. JOHNSON. Mr. President, we are currently debating the Defense appropriations bill.

I wanted to call to the attention of my colleagues reports in the media this morning that the new U.S. military commander in Iraq has acknowledged now for the very first time that American troops are engaged in what he calls a "classical guerrilla-style war" against the remnants of the former Iraq President Saddam Hussein's Baath Party. He acknowledges that the attacks are growing in organization and sophistication.

These statements by Army GEN John Abizaid in his first Pentagon briefing since taking charge of the U.S. Central Command last week are in stunning and sharp contrast with earlier statements from Defense Secretary Donald Rumsfeld. It was only 2½ weeks ago that Secretary Rumsfeld insisted that the U.S. military was not involved in a guerrilla war. As Secretary Rumsfeld said as recently as Sunday on ABC News, the fighting in Iraq did not fit the definition of a guerrilla war.

I think it is important that the American public and we in the Senate acknowledge the circumstances that our troops now find themselves in a near unilateral circumstance because of the unwillingness or the inability of this administration to attract an international coalition for the aftermath of the Iraqi war.

Now it was also reported yesterday yet another American was killed in a rocket-propelled grenade attack, making him the 33rd U.S. soldier killed since President Bush declared major combat over, and the seventh soldier killed since President Bush, 2 weeks ago, said "bring 'em on" to the Iraqi militants. In addition, the pro-American mayor of an Iraqi city was also assassinated.

Minnesota Public Radio this week quoted Mary Kewatt, the aunt of a soldier killed in Iraq, saying:

President Bush made a comment a week ago, and he said "bring it on." Well, they brought it on, and now my nephew is dead.

Our Nation would be better served, and the security of our troops would be better served, if our President would spend less time trying to look and sound like a grade-B movie cowboy and a little more time providing some leadership to internationalize this situation in Iraq, and to give our troops some notion of when they are coming home.

I have to believe if President Bush had his two daughters in service to the military in Iraq, and his family's blood was on the line—as are thousands of American families', including thousands of America's daughters whose lives are also at risk—he may have thought twice before goading the Iraqi guerrilla war fighters to take another shot at America's military's finest in that country.

So we find ourselves now in a circumstance where we have morale problems reported because our troops have no idea when they are coming home. We now have an indication that there are few troops readily available to sustain a force of the 148,000 we have in Iraq.

The Army has 33 Active Duty combat brigades. There are now 16 in Iraq, two in Afghanistan, two in South Korea, and most of the rest are either committed to other missions or reconstituting, leaving just three brigades to send to Iraq as replacement forces.

The recruitment of multinational forces has been largely a failure because of the administration's insistence that everything be run through the United States rather than through the United Nations or NATO.

The Army indicates they are likely to activate two or more enhanced National Guard brigades by the beginning of next year for rotation to Iraq by March or April. And I quote: "Every possible unit worldwide is being considered for the possible rotations."

It is troubling that we continue not to see a long-term strategy that is international in nature. We continue to see the blood being the blood, almost exclusively, of American troops. We see the financial cost as being almost exclusively the burden of American taxpayers, as we are being told now the expenditures will run easily \$4 billion per month for as far as the eye can see.

To put that in some perspective, we are not able to fully fund the VA health care program for the entire year for all of the veterans of our Nation who have served our country because we cannot find the \$2 billion for the entire year, but we are spending \$4 billion in a month in Iraq. We cannot fund our schools; we cannot fund our prescription drug program at a decent level.

So I think people have to wonder, How long will this go on? We cannot cut and run. The decision has been made. We are there. The world is a better place without Saddam Hussein, there is no question about that. But we

do have to wonder why it is the United States should have to serve as a unilateral police force for the world, why the administration has not found ways to internationalize this issue, given the good will that was extended to us from allies all around the world post 9/11. That seems now to have been badly eroded.

So I hope our President will spend a little more time on international diplomacy, a little more time rethinking his budget priorities, a little less time posing for photo opportunities and trying to sound like a tough guy, when, at the time, it is our young men and women whose lives are at great risk, and will be at great risk on and on and on into the future if things do not change soon.

We can take great pride in the courage, the professionalism, the skill of our American military. They are second to none. They are the finest military in the world. But these unending deployments are going to cause great morale problems, are going to cause problems with recruitment and retention of our military. It is making a shambles of too many of their families' lives and their businesses.

We need to find a way so that it is not the United States that has to carry single-handedly this kind of burden on into a limitless future. I think the circumstances we find ourselves in now are testimony to, frankly, inadequate planning, unrealistic planning about what was, in fact, going to occur after the major military portion of the attacks in Iraq. Somehow there were these naive notions that the expatriates from Iraq would step in, we would decapitate the leadership, and all would go on well and easily. That is not the case. Now we find ourselves in a full-blown guerrilla war. The United States is in up to its neck now.

We owe tremendous gratitude to our soldiers who are fighting in these circumstances. We need to find a way, this administration needs to find a way so we do not find this lasting forever, that our taxpayers wind up being drained, that families all across this country wind up going through such tremendous emotional and other hardships, as we find ourselves virtually exclusively out on our own on the front lines in this very difficult part of the world.

So as Prime Minister Blair comes to visit with us later on this afternoon, I am hopeful perhaps this will be the beginning of a more realistic assessment on the part of the Bush administration about what, in fact, will have to come next. And what will have to come next will have to be an international alliance, not the exclusive energy and budget and blood of Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from South Dakota leaves the floor, I want to make everyone aware of the fact that Senator JOHNSON and his wife Barbara have a son, as we

speak, in the United States Army. In 5 years, this young man has been to war four times. So a lot of people could come to the floor and speak as Senator JOHNSON has spoken and not have the credibility or the foundation or the understanding he has. But he and his dear wife have spent many a worried hour wondering if their son was going to come home.

So I applaud my friend, the distinguished junior Senator from South Dakota, who is such a fine Member of the Senate, for yesterday and today coming in and giving the Senate the benefit of his thoughts, thoughts no one can render but for having had a son in harm's way as a result of being in the United States military.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, to follow up on the comments of the Senator from South Dakota, he alluded to the presence of over 100,000 United States troops in Iraq. As it turns out, if you look across the globe today, we have United States forces stretched around the world in places and numbers we have not seen for a long time—not only Iraq but Afghanistan, Bosnia, Korea, Japan, Germany, and many other places.

We support the deployment of those military personnel through a combination of sealift and airlift. When I served on active duty during the Vietnam war, we were fortunate in having so many more overseas bases from which we could forward deploy or resupply. Many of those bases are closed today, and we rely instead on a mixture of different kinds of aircraft, military and civilian, and on sealift, a variety of ships to serve as a bridge, a sea bridge or an air bridge, to connect this country to our troops deployed around the world.

The air bridge is changing. In this country we are seeing the retirement of an older aircraft built in the 1960s. The C-141 is being retired. It is being replaced by a newer aircraft, a very good aircraft called the C-17. To date, we have received about 100 of those new cargo aircraft and about another 80 have been placed on order and will be coming into the fleet in the coming years. We have as part of that air bridge C-5s, perhaps the largest cargo aircraft in the world, 74 C-5As built in the 1970s, about 50 C-5Bs built in the 1980s. A third part of this air bridge is the C-130. We have them in the Delaware Air National Guard, and they are in air guards throughout the United States. But it is really those three aircraft—the C-5, C-17, the C-130s—that enable us to resupply our troops and to move our men, women, materiel, and weaponry around the globe.

The C-5 carries enormous amounts of cargo, roughly twice the amount of a C-17, at distances roughly twice the distance of a C-17, even more cargo than a C-130 and greater distances than the C-130. The C-5s have been used in the Iraqi war and Afghanistan to move

men, women, and materiel, equipment, from the United States into theaters. And the movement of those personnel and that equipment within theater has fallen largely to C-17s and to C-130s.

I wish I could stand here today and say the combination of ships we have in our sealift capability and aircraft as part of our air bridge is sufficient to meet our needs. Our sealift capability is inadequate. Our airlift capability is in even worse shape.

I have an article—this is a June 2 edition of Air Force magazine—where they talk a good deal about the squeeze on air mobility—not just my words but the words of the top people in military airlift in the Air Force who cite examples of how our inability to move as much personnel, as much equipment as we sought made it difficult in some cases for us to implement our game plan in that part of the world. If the current assets, especially the current air assets we have within the Air Force, are insufficient to provide sufficient airlift, what might be sufficient?

Every so often, the Air Force is asked or directed to do another update to look at their assets and what we expect to be the need for airlift in the years to come and to tell us and the administration what their needs are. We need a new analysis and we need an update.

My hope is the language in the Defense bill, the authorization bill which is now in conference—that out of that conference will come clear direction for the Air Force, authorization for the Air Force to update that last study which is called MRS-05, out of that update will flow a good deal of the information we need.

We don't need another study or another analysis to tell us that the resources we have on the airlift side are woefully inadequate. The answer is more, not less. A critical question for us in this body, especially as we face a budget deficit this year of \$450 billion, is how do we go about meeting our woefully inadequate airlift capability, how do we do that in a way that is cost-effective and in a way that recognizes that we have these huge deficits and that as far as the eye can see they continue. I want to talk about that.

I would like to talk for the next several minutes about a cost-effective airlift, and then later today Senator BIDEN and I, along with Senator CHAMBLISS and others, will offer an amendment that we believe addresses in good faith how we might make some progress on that front today.

There are some who would like to take our C-5s, the fleet—there are 74 C-5As and 50 C-5Bs—some would like to get rid of all the C-5As, send them to the boneyard and let that be that. They have some interest in upgrading or modernizing the C-5Bs but less interest in doing anything for the C-5As.

As it turns out, we are going to be flying C-5As and C-5Bs for a good long while, probably for the remainder of this decade on both As and Bs and, for

Bs, well beyond that; even programs for As well beyond this decade. There has been a lot of debate in this Chamber in the last couple years on how we might upgrade the capability of the C-5 to make it more mission capable.

The Air Force pays a lot of attention to a number called the mission capable rate for aircraft. The mission capable rate for the new C-17 is in the mid 80s—it does a really fine job—the mission capable rate over the last 12 months for the C-5As, about 60 percent; the mission capable rate for the C-5Bs over the last 12 months, 72 percent. Two upgrades have been proposed to both aircraft. One of those upgrades is fairly inexpensive, the second expensive.

The less expensive upgrade is the Avionics Modernization Program. The Avionics Modernization Program would enable us to take a 1970s cockpit of a C-5A or a 1980s cockpit of a C-5B and turn it into a 21st century cockpit. Not only would it look different, the plane would fly differently, would be controlled differently. The communication gear would become 21st century communications equipment. Its reliability and effectiveness would be enhanced as would that of the crew—new training, avoidance equipment, the ability to actually fly at very accurate levels of altitude to enable us to get the maximum advantage out of the airspace in the skies in which we fly.

The avionics modernization package costs about \$3 million per aircraft. Between fiscal years 2002 and 2003, the Congress authorized and appropriated money to install the avionics modernization package in a total of 10 C-5 aircraft. This year, in the fiscal year 2004 authorization bill, there was an authorization for 30 additional kits, for the cockpits, communications systems, and all. In this bill, there is money appropriated for 18.

Let's go back. I talked about the number of C-5s we have: 74 C-5As, 50 C-5Bs. The Air Force is in the process of retiring 14 of the least dependable C-5As, the ones that are least mission capable, that create the most maintenance headaches. So we will end up with 60 C-5As and 50 C-5Bs later this year or next. The Air Force would like to see their C-5s AMPed, or fully equipped with this new upgrade, the avionics modernization package, by fiscal 2007. In order for us to meet that schedule, we need to appropriate not AMP kits for 18 C-5As in 2004 but for 30 to get us back on schedule. That 30, plus the original 10, will take us to 40 AMP kits for C-5s. That would leave about 70 more we would need to fund in 2005, 2006, and 2007.

What do we get out of AMPing the aircraft? Among the things that we get is better mission capable numbers. Last week I was privileged to meet with the four star general who is the commanding officer of our airlift mobility command, and I asked him: In terms of mission capable improvement, what can we look for? For each avionics modernization program that we

put in a C-5, how much improvement would we get?

He said it would be anywhere from 3 to 5 points of improvement of mission capability in each aircraft. That could mean taking the C-5 numbers, the A numbers, for the last year where the mission capable rate was 60 and bring it up to 63, or even as high as 65. It would take the 72 percent mission capable rate from the C-5Bs from the last 12 months and raise it to 75 percent, or maybe as high as 77 percent.

If you think about it, if we were to actually install the AMP kits in all C-5As and Bs, at roughly \$3 million apiece, the cost to the Treasury is about \$350 million. If you multiply 3 percentage points or 5 percentage points—let's take somewhere in between, say a 4-percent increase in the mission capability rate for AMPing C-5s. If you multiply that 4 percent across the whole 110 C-5As and Bs we have in our inventory at the end of this year, we end up with the equivalent of about—because of improvements in mission capability rates—4.4 additional C-5 aircraft.

The cost of getting those four additional C-5 aircraft is about \$350 million. The cost of a new C-5 or a new C-17 is a whole lot more than that. We can get four equivalent C-5s simply out of being more mission ready and mission capable by AMPing, installing the avionics modernization package in all the C-5s.

I want to talk a moment, if I could, about those who are interested in doing something about the As, not the Bs. I have talked about this first improvement, this first retrograde, the avionics modernization package.

The second piece is reengining, referred to as RERP. Reengining the C-5s would be a next step and a far more expensive step. We would not only change up the engines and install the same kind of engines that are on Air Force One, we would make major changes in the hydraulics and landing gear. Those are the major areas that cause downtime on the C-5s.

If you put together the improvements in mission readiness for AMPing the aircraft and another 3 to 5 percentage points, and from 10 to 15 percentage points by reengining the aircraft, you are talking about improvement in mission capability rates for the C-5As from roughly 60 percent to somewhere in the mid-70s, and improving the mission capable rate of the Bs from the low 70s to somewhere in the mid-80s.

There was a big debate a year or two ago on whether or not we ought to go forward and install both the first inexpensive fix, the avionics modernization package, and the reengining, just appropriate money to do both. The agreement that was struck was to do both fixes on a total of three aircraft. We are going to install the avionics modernization package on one C-5A and two C-5Bs. We are going to install the reengining package, new engines, hydraulics and landing gear and other

changes, on one C-5A—the same A—and two C-5Bs. We are going to fly them for a while and see how they work. If they work as advertised, or if they continue to have a high failure rate—and I have a hunch they are going to work—we are not talking about developing a new engine, we are talking about taking the same engine as on Air Force One, a modern aircraft engine, and it will give us 10,000 hours between changes of engines instead of 1,000, and it will make a huge difference in our mission capable rate.

Somewhere down the line we will have the opportunity to have those test aircraft—three of them—in the air, flying for a year or so; we will see how they are performing and we will then make the decision as to whether we want to invest more money in either of those retrofits.

I think that is smart. When we are talking about spending that kind of money, we ought to upgrade the planes and fly them for a while and see if they work as advertised.

The avionics modernization package has already been installed in at least one aircraft, and more are coming. The aircraft that it has been installed in was actually installed ahead of schedule and within budget. The early test is going well.

The Air Force has chosen a site on the east coast and one on the west coast to continue the work that has begun on the avionics modernization package installation for the C-5s.

We should go forward and put the C-5 avionics modernization package in as many C-5s as quickly as we can. Those are not my words. Those are the words of the four star general who actually heads up military airlift command. Those were his words as recently as last week. He said: Provide for us as many AMPed C-5s as you can, as quickly as you can.

The reason is that it is a fairly cheap fix to get aircraft readiness up and to give him the aircraft tails, if you will, that he needs in order to support our troops in Afghanistan, Bosnia, Iraq, and other places around the world—probably Liberia next. Who knows.

Let me close with this thought. Sometimes we are asked to appropriate money on this floor and we are asked to appropriate money for defense projects and others that have not been authorized by the authorizing committee. These 12 additional AMP kits, avionics modernization packages, for the C-5s have been authorized in both the House authorization bill, the Defense bill, and the Senate authorization bill. The authorizing committees are on board.

Sometimes we are asked to appropriate money when a branch of our Armed Forces has not expressed interest in a particular kind of weapons system or project or gizmo. In this case, these 12 kits, on top of the original 18 in the bill, are in the Air Force's list of unfunded priorities.

Sometimes we are asked to appropriate money when neither the air-

crews who fly these planes nor the maintenance folks who maintain them nor the four-star generals in charge of the whole show really think it makes a lot of sense. In this case, the aircrews who fly them, the maintenance crews who maintain them, and the four-star general who is in charge of the whole show say we need as many C-5s AMPed as quickly as we can.

Sometimes we are asked to appropriate dollars to buy a capability that is not needed. In this case, we need airlift. We need it. We need it today; we needed it last month; we needed it last year; and we are going to need more of it next year. We cannot meet the current demands for airlift.

If we actually put on all of our C-5s between now and 2007 the avionics modernization package, it is the equivalent of giving the Air Force three, four, or as many as five additional C-5 aircraft with which to meet their missions.

Sometimes we are asked to appropriate dollars for items that are not cost-effective. I am going to tell my colleagues, to get the effect of three or four or five additional C-5 aircraft for \$350 million by simply raising mission capability by anywhere from 3 to 5 points per aircraft for \$3 million apiece is a bargain in this world, and it is one we should not pass by.

If we end up with a mix of C-5As and C-5Bs—let's say in C-5Bs you have a cockpit that is 21st century—modern communications equipment, modern terrain avoidance, altitude separation equipment—and you end up with C-5As that have not been modernized or a 1970 cockpit with the old altitude separation equipment, the old terrain avoidance, the old communications gear—we put our crews in a difficult or maybe dangerous situation.

Today, C-5 aircrews move from C-5As to C-5Bs and fly them interchangeably. It does not matter because one aircraft is very similar to the other. The people who maintain the aircraft maintain the C-5As as easily as they can maintain a C-5B. Most of the spare parts fit interchangeably with the C-5Bs. I would not want to say to a crew today: You are going to fly the C-5B with the new avionics modernization, you are going to get in a 21st century cockpit and fly this aircraft, and then say to the same crew: Tomorrow you are going to fly the old aircraft with the old cockpit, with the old equipment.

I would not want to say to the maintenance crews: We expect you to maintain this old aircraft, and a lot of them are located at the same bases. Do we expect them to maintain the same aircraft—it is a differently configured aircraft in the cockpit—and expect them to have the expertise and training to do maintenance on an entirely different cockpit?

Finally, in terms of keeping spare parts, we do not put the spare parts at Air Force bases that have C-5As. There are Air Force bases around the world and in places where we support troops and have airlift.

I would not be making a big deal about this if the wings on the C-5As or C-5Bs were about to deteriorate and fall off. They are not. The wings and fuselages of the C-5As and C-5Bs, according to the experts, have another 30 or 40 useful years of life on them.

Mr. STEVENS. Will the Senator yield?

Mr. CARPER. I will be happy to yield.

Mr. STEVENS. Mr. President, the Senator from Delaware is a pilot and I am a pilot, and we are quite interested in this subject. We have had fairly long discussions about C-5As and C-5Bs. As I have told my friend from Delaware, I have conferred at length with the Air Force, and the Air Force just does not want to have money earmarked solely for C-5As. They will agree, if we want to do so, to specifically state that this money we have in the bill can be used for C-5As or C-5Bs for the kits. Some of the C-5As may, in fact, be eligible for such new kits, making them, as the Senator would say, 21st century capable.

The Air Force, however, objects to this amendment because this amendment—the Senator from Delaware has not offered it yet, but the Senator from Delaware is considering it, and I have reviewed it—would take money from the overall account. It would, in fact, diminish the moneys that are available for C-17s and other procurement of aircraft.

We are more than willing to allow the Air Force to make the determination which C-5As should be modified by these kits, but, again, I have to state to my friend, we must oppose the concept of having this money taken from the procurement account for the purpose of modernizing the C-5s against the wishes of the Air Force.

There is a study underway, as I understand it, which may identify C-5As that would be kept. I would even be willing to specify the money could be used for any of those planes that were designated in that mobility study to be eligible for the kits. But the Senator's amendment is still not acceptable.

I hope he will work with us and work with our staff in the remainder of the afternoon and see if we can work out something that is agreeable.

We have deterred from the regular order to which we agreed last night, and that was that Senator BYRD would offer the next amendment. So I hope my friend from Delaware will allow a distinguished senior Member of the Senate to proceed with his amendment, and we will try to work out some kind of accommodation with regard to the amendment of the Senator from Delaware.

I know Senator BIDEN is also very much involved. Perhaps between now and the time we return from the address to be given to us by the distinguished leader of the British Parliament, we can come to some satisfactory agreement with the Senator from Delaware.

Mr. CARPER. Mr. President, Senator BIDEN indicated he is interested in offering the amendment after Prime Minister Blair addresses our joint meeting. So I will not do it at this time. If I can accept the kind offer of the chairman to find some common ground, I would very much like to discuss that with him and Senator INOUE and their staffs.

Let me close, if I may. I see Senator BYRD is on his feet. I want to close.

Sometimes we are asked to appropriate money in ways that will not have much effect in a positive respect for those who fly our aircraft or for those who maintain our aircraft. As sure as we are gathered here today, a decision to put an avionics modernization package on our C-5As and C-5Bs will make those aircraft safer for the crews who fly them, it will make them easier to maintain for the folks in this country and around the world who are trying to maintain the aircraft as they meet their missions throughout the world, and it is a bargain for the taxpayers of this country.

Finally, it is a cost-effective—a highly cost-effective—way to maintain and to strengthen the air groups that connect us in this country to our disparate forces around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1281

Mr. BYRD. Mr. President, 216 years ago yesterday, in a sweltering room in Philadelphia, 55 men of extraordinary talents reached a most critical decision on the design of a new government for the United States. Days and weeks of acrimonious debate had failed to resolve disputes on the representation of each of the original 13 colonies. Men like Washington, Madison, Franklin, and Hamilton struggled over the issue of how the people of our Nation would be represented in their Government.

But then, on July 16, 1787, the Framers of what came to be our Constitution reached a breakthrough.

On that date, yesterday, 216 years ago, they struck a bargain that has come to be known as the Great Compromise. States with large populations would have the benefit of more numerous representation in the House of Representatives and States with small populations would be protected by equal representation in the Senate. Without that landmark agreement, work on a new constitution to replace the failed Articles of Confederation might have foundered.

Without the Great Compromise, we in this Chamber might never have met to debate the issues of the day. But as we debate the bill before us, one cannot help but recognize the perilous situation in which the United States finds itself with respect to our foreign commitments. We take up the fiscal year 2004 Defense appropriations bill at a time when nearly 150,000 of our troops are facing guerrilla attacks as they patrol Iraq.

While the administration had once predicted that our liberating forces would be greeted with smiles and covered with flowers, the Secretary of Defense is now warning that attacks on our troops may increase during the rest of July. In light of all of these facts, some may argue that we need to pass this bill soon in order to show support for our troops who remain under fire, nearly 17 weeks after the war in Iraq began and nearly 11 weeks after the President delivered his victory speech on the USS *Abraham Lincoln* where there was a banner over his head which proclaimed, "Mission accomplished." There it was, that banner streaming above his head proclaiming, "Mission accomplished."

If we rush to pass this bill to show support for our troops in Iraq, we will be rushing for naught because not one thin dime, not one copper penny, contained in this Defense bill is for the additional cost of war in Afghanistan or Iraq.

There is not one red cent in this bill for the additional costs to support 150,000 troops in Iraq or the nearly 10,000 troops who remain in Afghanistan. Linking speedy action on this bill to support for our troops who are now standing in harm's way is what is known as a bait and switch routine. This is a bill that only funds our military as if we were in a time of peace, but we all know we are going to be hit with a massive bill for wartime costs in a couple of months.

Let there be no doubt, the amount of money we are spending in Iraq and Afghanistan is massive. Since September 11, 2001, Congress has appropriated \$104.3 billion to the Defense Department for homeland security missions in pursuit of al-Qaida in Afghanistan and elsewhere, and the war in Iraq.

The total bill in Iraq so far, according to the Pentagon's comptroller, has reached \$48 billion. The Secretary of Defense reported last week, I believe it was, to the Armed Services Committee that we are spending \$3,921,000,000 each month for our occupation of Iraq, a figure nearly double that of its prewar estimates. Secretary Rumsfeld also reported that we are spending nearly \$943 million each month for military operations in Afghanistan.

I opposed the war in the beginning. I opposed the war in Iraq. Contrary to White House charges of revisionist history—which I maintain, as far as the revisionist part is concerned, is on the side of the White House—I never believed that Iraq posed a clear and imminent threat to the United States, and I stood right on this floor and said that. I never believed, and so stated at the time, that Iraq posed a clear and imminent threat to the security of our country. But when the war in Iraq began, I stated I would do everything in my power to provide our troops with the funds needed to ensure their safety, even though I disagree with the policy that took them into Iraq.

GEN Tommy Franks said to the House Armed Services Committee on

July 11 that our troops could be patrolling Iraq for the next 4 years, and the new commander in Iraq, GEN John Abizaid, acknowledged that our troops are facing guerrilla attacks. In today's papers he so stated.

We know our troops need money for food, fuel, ammunition and pay. There is no reason we must wait to provide for these needs until the administration requests its next stopgap spending measure. Congress should insist that these costs be included in the President's regular budget request.

I am sure it will come as a surprise to many Americans to know that the administration has not presented Congress with any request nor any explanatory detail regarding the costs that are racking up right now, this very minute, during our occupation of Iraq. The President has not requested any funding for the additional costs of the 150,000 troops who are expected to remain in Iraq for an extended period of time, nor has the President requested any additional funds for the cost of rooting out al-Qaida from Afghanistan.

The American people would be stunned to learn that the Senate is taking up a \$368 billion appropriations bill for the Department of Defense that does not include one thin dime for the additional costs, the incremental costs, of the war in Iraq or the mission in Afghanistan.

When we start talking about appropriations, budget resolutions, and supplemental spending bills, the eyes of many Americans start to glaze over. While John Q. Public may not know the intricacies of Federal budgeting, he fully expects that somebody in Washington is watching over his taxpayer money and that somebody is making sure of its effective use, that somebody is asking questions about the expenditures of his monies. But when it comes to financing military missions overseas, the White House continues to try to turn the Constitution on its head. The White House wants to spend the money first and have Congress approve the funding later. When it comes to this war in Iraq and the aftermath of the conflicts in Iraq and Afghanistan, the administration views Congress like an automatic teller machine: Just put the request into the machine, into the ATM, and the money slides out in seconds, no questions asked.

Last October, Congress approved a resolution authorizing military action in Iraq. I voted against that. I am proud I voted against it. As long as I stay in the Senate, I shall keep the tally sheet right in front of me, as I sit at my desk in my office, showing the votes on that matter.

At the time, the White House and the Department of Defense asserted that the cost of the mission was not knowable. That is what the administration witnesses said before our committee—that the costs were not knowable.

The message from the White House was basically, trust me, trust me. It is your money.

We have heard that. We have heard that old saying right here. But in this instance, it is your money, trust me. They said they would send the bill, the costs to Congress when they knew more about the details of the mission.

Well, when the President submitted his FY 2004 budget to the Congress in February, he continued to keep Congress in the dark. He requested no funding for the war in Iraq. Why? The House and the Senate needed to pass budget resolutions that the President hoped would include \$1.5 trillion of additional tax cuts. Perhaps the White House feared that a \$60 billion bill for Iraq, just for FY 2003, might worry some Members who are concerned about deficit spending when it came to voting on the bill to cut taxes. On March 13, 2003, the Senate Budget Committee approved the budget resolution with \$1.3 trillion of additional tax cuts and assumed no additional costs for the war in Iraq. On March 21, 2003, the House passed their budget resolution, including \$1.3 trillion of tax cuts and assumed nothing about the cost of the war in Iraq. On March 26, the Senate passed a budget resolution that assumed over \$800 billion in tax cuts. What was curiously missing from the conference report was an amendment that had been offered by Senator FEINGOLD and approved by the Senate to set aside \$100 billion for the war in Iraq.

When did the White House finally send up their request for a supplemental for the costs of the war in Iraq? The White House waited until March 25, 2003, to submit a massive \$62.6 billion request for the Department of Defense—6 months after the Congress considered the resolution to authorize military action in Iraq, 2 months after the President submitted his FY 2004 budget to Congress, and 1 week after the war in Iraq began.

Once the request was made to the Congress, the White House put its foot on the gas pedal and insisted that Congress move rapidly to pass the request in order to support the troops that were already deployed in the field. One hearing was held on March 27. As I recall, the hearing was so compressed for time that Members were not even allowed to make opening remarks. On April 1, the Senate Appropriations Committee approved the President's total funding request for DoD. On April 3, the Senate approved the request. Thirteen days later, the Iraq supplemental for FY 2003 was public law.

So the administration strategy worked. The strategy goes like this. Force the Congress to make difficult choices with either inadequate information or bad information. Deploy the forces. Get the funding hook in the nose of Congress by putting the troops in the field. Go to war. Spend the money. And insist that Congress move promptly to approve the funding again, after it is spent and more is needed to replenish accounts.

Now the Senate has before it the FY 2004 Defense Appropriations bill. Once

again, the White House is hiding the ball when it comes to facing up to the true costs of the mission in Iraq. Apparently, there will be no request for the additional costs of this mission until next February—after the fact. In other words, it will be a replay of last year. Meanwhile, there are 150,000 troops in the field in Iraq and 10,000 in Afghanistan, but no dollars to support them; no submission to Congress for how the money will be used; no oversight to ensure accountability; no plan for when the troops might come home; no plan for how to manage troop strength so that we do not have to keep our reserves deployed overseas for years at a time; no plan for attracting troops from other countries; no plan for seeking contributions from other countries to help cover the costs of the war and the peace in Iraq.

No, this White House wants to simply dictate the decisions and have the congressional ATM machine spit out the money.

The administration's only proposal so far is to slap down the national credit card and stick Congress and the taxpayer with a huge bill for supplemental appropriations somewhere down the road.

This is not an acceptable way to pay for our overseas missions. This is a blatant attempt to mislead the American people about administration policies that are leading to fiscal disaster. That is why I offer an amendment that states the sense of the Senate that the President should include in the budgets that he submits to Congress a specific request for funds to pay for our incremental costs in Iraq and Afghanistan.

We should put an end to this financial shell game of allowing the administration to hide the cost of occupation by using supplemental appropriations bills. My amendment would stop allowing this administration to hide the costs of these foreign adventures from the public. My amendment calls on the President to be up front with the American people about how much money we will really need to support our ongoing military operations overseas.

Congress needs to start holding the administration accountable for the funds that it spends for our military. We need to scrutinize the President's budget to make sure that we are getting the best value for our taxpayer money. If the administration keeps secret how it is spending the money appropriated to it for Iraq and Afghanistan, there is no check on its activities.

In the weeks before the war, the chief U.N. weapons inspector lambasted Saddam Hussein for playing a game of "catch as catch can." The chief U.N. weapons inspector excoriated the Iraqi regime for submitting misleading documents that did nothing to reveal what that secretive regime was up to.

Why in the world is the U.S. Congress settling for a game of "catch as catch can" when it comes to having this ad-

ministration be honest about how we are going to pay for the huge costs of occupying Iraq?

Why would the Congress, which holds the power of the purse—the Constitution has not been amended but 27 times, but not once in this matter. Congress still holds the power of the purse. It rests here in the people's branch.

Why would the Congress, which holds the power of the purse, settle for misleading budgets from the President that are intended to disguise the enormous budget deficit by excluding the costs of occupation of Iraq and Afghanistan?

We have to plan for these huge costs. There ought to be some tough questions asked about some of these expenditures. For example, we are paying \$3.9 billion per month to support 150,000 troops in Iraq, and \$950 million per month to support nearly 10,000 troops in Afghanistan. Many Americans must wonder, why does it cost \$26,000 a month to support one soldier in Iraq but \$95,000 a month to support one soldier in Afghanistan?

By using supplemental appropriations bills to fund the costs of extensive military deployments, the administration has found a tactic to avoid elementary questions such as that one.

The folks at the Pentagon and the Office of Management and Budget only need to wait until the right moment to send a supplemental funding request to Congress, and use the old cattle prod that we must pass the bill immediately, no matter what its cost, or our troops will run short of supplies.

It works. It works like a charm. Yes, like a charm. In the end, it is a budget tactic that is deceitful, allows for abuse and misuse of the public treasure, and cynically uses the very real emotional attachment that all Americans have for our troops.

The American people are coming to grips with the dangers of postwar Iraq. They read about them every day. They have read the headlines of daily attacks on American soldiers and they understand that the stakes are very high. The American people want a plan for postwar Iraq, so that they can be assured their loved ones will stay in harm's way only as long as absolutely necessary.

Congress must come to grips with the costs of postwar Iraq, as well as those associated with our continuing mission in Afghanistan. Yet a look at this defense budget leaves one wondering how these costs are being covered. There is no additional money for Iraq or Afghanistan.

Mr. SARBANES. Will the Senator yield for a question on that point?

Mr. BYRD. Yes, Yes, I do.

(Mr. ALEXANDER assumed the chair.)

Mr. SARBANES. Am I correct in understanding this Defense Appropriations Committee bill has no money in it for Iraq, either the military costs or the reconstruction costs? Is that correct?



Mr. BYRD. The Senator is correct, with reference to incremental costs, additional costs. Of course, we will be paying salaries there that we would pay whether the personnel were there or whether they were back in West Virginia or in Maryland or wherever. The incremental costs for Iraq and Afghanistan, there is not one thin dime in this budget, not one.

Mr. SARBANES. If the Senator will yield for a further question?

Mr. BYRD. Yes, I yield.

Mr. SARBANES. How is the Congress expected to play its role with respect to appropriations, and overseeing the expenditure of the public moneys, if we are not furnished this information?

Mr. BYRD. The Congress, apparently, is expected to just go along and hear all this talk about the "Commander in Chief," and not dare to raise a head to ask a question. You are not supposed to ask questions. You are supposed to put the money down. And that is the way we did it last year. The troops are there and by the time we got around to considering the supplemental appropriation bill, they had already spent several billion dollars, between \$30 and \$40 billion or some such—already spent. So we have to pay the bills. That is already spent. We have to do that.

Mr. STEVENS. Will the Senator yield to me for a question?

Mr. SARBANES. Will the Senator yield to me for a further question?

Mr. BYRD. Yes.

Mr. SARBANES. Of course, last year we were just getting into this situation. I understand in the past there have been instances in which, prior to actually going into operation, we weren't given figures because it is so hard to estimate them. Then they come to you for a supplemental. Of course, when they come for a supplemental, what can you do but give the supplemental? At that point you have no choice.

Mr. BYRD. Yes.

Mr. SARBANES. But now we are a year later and it seems to me it ought to be possible to make some estimates that would be contained in the budget.

It is my understanding that in the past, although we may not have gotten estimates before operations began, once they commenced and continued for a period of time, then estimates were contained in the budget requests because it was a continuing matter and you were in a period where you could make such calculations. Of course, that is not being done in this instance.

Mr. BYRD. No.

Mr. SARBANES. We are now well into it. It ought to be possible to make some estimates and contain those in the budget so we have an opportunity to review them. Would the Senator agree with that?

Mr. BYRD. Oh, absolutely, I agree with that. That is what my amendment is about. Here we were, over in the Armed Services Committee. I asked the Secretary of Defense how much is our country spending per month in

Iraq, on the war in Iraq, on the occupation of Iraq, and how much in Afghanistan? In both instances the Secretary said he didn't know. He would have to wait a while and get back to me.

Well, that is an old game.

Mr. STEVENS. Will the Senator yield to me for a question?

Mr. BYRD. If I may finish, and then I will be glad to.

That is an old game. You put it off. You don't want to answer on the record. You don't want to answer in public. And you don't want to answer that question lest there be a followup question. So you just put it off. Say, "Senator, I am sorry, I don't have that figure. I will have to take a while. It may take me a while, take us a while to give you that figure."

I said, Well, no, we want the figure now.

That is the way we are being handled. That is the way Congress is being handled, and I think it is wrong.

Then the answer came back, after a short recess of 20 or 30 minutes. The answer came back from the Secretary of Defense that the war in Iraq is costing about \$3.9 billion per month, and almost \$1 billion, \$943 million, I believe, per month, in Afghanistan.

Those answers we needed, and with that kind of information, I am sure the Defense Department had this estimate long before I asked them the question in the committee. They had these estimates. They should have incorporated them into a request in the budget bill. That could have been done. They could have foreseen—well, we are spending on the average of \$1 billion a week in Iraq. Let's put it in the budget. Let's put \$52 billion in the budget. That would be the way they ought to deal with Congress. That is the way they ought to deal with the people's representatives in Congress. But they are not doing it. They didn't do it then.

Mr. SARBANES. I thank the distinguished Senator. I think his answers have only underscored the importance of his amendment, which I very strongly support.

Mr. BYRD. I thank the distinguished Senator. I now yield to my friend from Alaska.

Mr. STEVENS. Mr. President, with regard to the question of the Senator from Maryland, does the Senator from West Virginia know that yesterday I pointed out the report we have from the Congressional Research Service is that no President has ever asked for funds for war in advance? No Senate has ever appropriated moneys based upon contingencies, predictions of how much would be spent for war.

In the Balkan situation, President Clinton did send money for the peace-keeping operations following the conflict in the Balkans. But I am really informed—does the Senator realize no President has ever conducted war financing the way the amendment of the Senator would require the President to do it, if it were a legislative mandate?

Parenthetically, as part of that question, though, I wonder if the Senator

understands, we are prepared to accept the Senator's amendment because it is a sense-of-the-Senate resolution which would indicate a request from the Congress that the President consider, in effect, to change that policy and submit a budget request in this instance which we are perfectly willing to support, to send to the President. But does the Senator realize, the statement of the Senator from Maryland indicates he thinks we should have before us now to include in the 2004 budget an amount that someone predicts will be necessary to fight a war when we don't know what the contingencies are, we don't know what the requirements are?

I wonder if the Senator heard the distinguished Senator from Hawaii yesterday when he explained his position as a platoon leader, and as a platoon leader if he had been asked how many grenades he was going to use in the next engagement, or how many rifle bullets he would need in the next engagement, or whether he could tell how much he would need for the next engagement so it could be passed on up to the President of the United States as to how much money we would need to conduct the war in Italy, it couldn't have been done. It can't be done now.

Does the Senator understand why we are opposing this? It is contrary to the tradition of the United States. And it is contrary to common sense to ask for a contingency budget request in the budget itself for operations considering what is going on in Iraq today. This could expand tomorrow or cease the next day. The contingency concept for a war like this cannot be predicted for a Presidential budget to be presented to the Congress. And it is presented 9 months before it goes into effect.

We are saying the President, in his submission in January, should give us a budget to tell us how much we will spend in a war and that the spending would commence at the start of the following October.

With due respect, does the Senator not agree that the problem we have here is to understand the President submitted this 2004 budget before the war began? How in the world can we expect the President to include in this 2004 budget request a request for expenses that may occur after October 1 of this year in terms of Iraq? Every President has financed those in the same way. Every single war has been financed the way this President is trying to finance this war.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. STEVENS. I am asking that question of my friend from West Virginia. He has the floor. I would like to get into this debate some kind of a balance with regard to how we are doing it. The Senator has the right to send a request to the President saying it "should" be done in a different way. But to say it "must" be done a different way, we oppose.

Mr. SARBANES. If the Senator will yield.

Mr. BYRD. Yes, without losing my right to the floor.

Mr. SARBANES. It is my understanding—and I phrase the question carefully in this regard—that while it is accurate to say we have not had these figures requested prior to entering into hostilities, that once we have gone into hostilities which have continued over a period of time, that has not prevailed.

Second, President Bush landed on an aircraft carrier out in the Pacific and said it was all over—"mission accomplished."

We are now into—presumably by his own statement—a postwar period in which we are trying to do a lot of reconstruction and peacekeeping. It seems to me under that premise put forward by the President himself that we ought to be receiving budget estimates. They can put an asterisk on it that says this is our best estimate. It may prove out to be different as circumstances develop. But we are not being given any figures on which to pass judgment.

Then after the fact, we receive a supplemental. Of course, a supplemental is going to be approved. There is no meaningful review at that point because it has already been done.

Then we are told this money has already been expended. You have to replenish the coffers without having a chance to subject the figures to the requirement that they pass muster.

I thank the Senator for yielding.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Does the distinguished Senator from Alaska have any further questions at the moment?

Mr. STEVENS. Mr. President, the Senator is very kind. I have a whole lot of questions to ask. But I prefer to get on with the debate.

Mr. BYRD. Questions of me?

Mr. STEVENS. The only question to the Senator is that I would respectfully ask if he understands that we are willing to take the amendment as the Senator has drafted it because it seeks a change in policy and it is a sense-of-the-Senate resolution. We are seeking that change in policy.

Again, parenthetically, I believe the time may come when we have wars or postwar engagements of such magnitude that we should find a new way to budget contrary to past procedures.

But, again, I urge the Senator from Maryland to understand that history goes against the policy he has suggested.

I hope the Senator from West Virginia understands my feeling in terms of the way we are handling things now. Does the Senator realize there is \$32 billion left from what we provided in the supplemental for the war in Iraq? It is no-year money. It is not money that would cease to be available after September 30. We gave the President \$62.6 billion, and it was no-year money. It did not have to be spent by the end of September.

We have, in fact, appropriated money which, if this afterwar resistance—whatever it is—diminishes, should be enough money. We should not have to have another request.

That is the position this Senator takes. Does the Senator understand my position on that?

Mr. BYRD. Mr. President, since before this war began, I have asked repeatedly of this administration what their estimate of the cost of this war is. Do you have any estimate? We get a blank stare.

I cannot believe that an administration is going to lead a country into war without having some inside estimates by the very capable people who surround the President about what this war would cost. Of course, nobody—least of all me—would ever expect the administration to be able to say it is going to cost \$2.785 trillion. But I, others, and the American people were seeking some kind of a realistic range—and now more so than then.

Now we know that it has been testified to in the Armed Services Committee that the war in Afghanistan is costing \$3.9 billion a month. We know that. That wasn't known just at the beginning of that day. I am sure the Defense Department had already run the estimate and had come out with the figures. Why couldn't the administration use those figures and say to the Congress, well, we estimate that it is costing in Iraq \$3 billion, \$3.5 billion, between \$3.5 billion and \$4.1 billion, or something like that?

We just get stonewalled when we ask questions of that kind. I think Congress is entitled to better than that.

Mr. STEVENS. This will be my last interruption. Will the Senator yield to me for one other question?

Mr. BYRD. Absolutely.

Mr. STEVENS. Does the Senator recall that in the 2003 budget request President Bush asked for \$10 billion for contingency operations for defense emergency response funds for Afghanistan, the war on terrorism, and the activities that were going on at that time, and that he and I joined together in denying that request? We denied the request because we did not believe we should appropriate moneys based upon a contingency request.

Mr. BYRD. We approved it in the omnibus bill.

Mr. STEVENS. No. We turned it down in the omnibus, also.

Mr. BYRD. We approved it in the omnibus bill. That is the information I have.

Mr. STEVENS. The Senator was talking about the money we put in in January. That was money that already had been spent in Afghanistan and the war on terrorism. And we included those funds at that time in the omnibus bill. But we turned down the \$10 billion for the contingency operation. I didn't like the defense emergency response fund. The Senator from West Virginia didn't like the defense emergency response fund that just sits out

there—a big pot of money which they can take money out of without telling us what they are going to spend it for.

We face two different problems: One is that we have a request in the budget for a big pot of money that they are going to spend any way they want when we have always requested that we get money based on how much expenses had actually been incurred in fighting an engagement.

Does the Senator disagree with that?

Mr. BYRD. What we are advocating is that funds would be provided in the Appropriations Act to specific accounts set forth in such act.

Mr. STEVENS. That is why we support the Senator's request. That is why the Senator's request for the sense-of-the-Senate resolution is imminently sensible. And I would like to follow that procedure. That is not the procedure we followed in the past. This President is following precedence in connection with the way he has, in fact, presented the budget for 2004 and the supplemental request for the war in Iraq.

I thank the Senator.

Mr. DAYTON. Mr. President, will the Senator yield for a question?

Mr. BYRD. Yes. I yield for a question.

Mr. DAYTON. I thank the Senator.

The Senator from Alaska has been in conversation with the administration, evidently, regarding funds already available. I was here 2 days ago when the same statement was made about the need for funds and when that would occur next year. Then I read yesterday morning in the paper that same day—the day before, on Tuesday—the comptroller for the Department of Defense said in a supplemental appropriation that was made earlier this fiscal year there is \$4 billion remaining for the purpose of war activities which, as the Senator pointed out, at the rate of \$3.9 billion a month in Iraq, plus in Afghanistan \$3.9 billion a month—that would be \$4.8 billion a month—there would not even be enough remaining amongst the funds to be expended to cover that.

So I ask the Senator from West Virginia, doesn't that underscore what the Senator said about the difficulty in getting the same numbers from the same principals?

Mr. BYRD. It does.

Mr. STEVENS. Will the Senator yield just for a clarification?

Mr. BYRD. Yes.

Mr. STEVENS. My staff informs me that the Senator has the numbers turned around. There were \$15 billion, of which \$4 billion have been used. We are certifying there are \$11 billion left now.

Mr. DAYTON. I read the figures differently. If I am incorrect, I will stand corrected. If the Senator's staff is correct, then that would be enough money for about 2½ months of the next fiscal year—I shouldn't say the next fiscal year because my understanding is they are drawing down that money now.

Mr. STEVENS. The distinguished Senator from West Virginia still has

the floor. If he will let me respond, parenthetically, again, the Senator is correct, if the expenses continued at the rate of the expenditures for the months of June and July—the two 4 weeks just previously—the Senator is correct, the account was \$3.9 billion a month for those operations. We do not consider that even today the activities are continuing at the same rate they were in the average per day for the last 4 weeks.

Mr. DAYTON. I thank the Senator.

Mr. STEVENS. In addition to that, there is \$45 billion in specific service accounts that are in fact going to be used in Iraq. So we are not dealing with something where there is no money provided. There is \$45 billion in specific unit accounts where that money will be spent in Iraq. And it is an augmentation because of the Iraqi conditions.

Mr. BYRD. Mr. President, my amendment reads as follows:

It is the sense of the Senate that—any request for funds for a fiscal year for an ongoing overseas military operation—

The word is “ongoing”—

for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31 United States Code. . . .

These are ongoing—ongoing operations.

What is to keep this administration from sending up an amended budget request right today? The administration has already said we are spending \$3.9 billion a month in Iraq and almost \$1 billion a month in Afghanistan. Why doesn't the administration send up an amended budget request right now and let us include that money in this appropriations bill?

Now, the administration knows that is what it is spending. Why couldn't we at least include it in this bill that is before the Senate, rather than wait until next February when the administration will send up a request for that amount plus a great deal more? And why not anticipate the remaining months the administration expects to be in Iraq and Afghanistan and anticipate for the same amount on into the future?

It is this thing that I feel very strongly about: the Congress of the United States being held at bay when it comes to getting information from this administration. When it comes to appropriations, the Congress has control of the purse strings. And when we asked the administration witnesses, at least one of them said these figures are not knowable, this information is not knowable. Well, they have these estimates. They had them then, and they could have been included. So the Congress can exercise its constitutional oversight over these moneys that are being appropriated and spent.

I am glad the distinguished Senator from Alaska has indicated he intends to accept this amendment. But while

we are on this subject, I have a chart here.

Now, the distinguished Senator from Alaska—and he is a distinguished Senator, a very distinguished Senator, my friend—time and time again he has said something about the moneys during the Clinton administration.

The supplementals for Kosovo and Bosnia were in the range of \$2 billion to \$3 billion for each mission. The Iraq supplemental that was passed this April was \$62.6 billion. If we are to believe the cost estimates of Secretary Rumsfeld, that he testified to at a recent Armed Services hearing, the current cost of supporting 150,000 troops in Iraq and 10,000 troops in Afghanistan is \$4.8 billion per month, or \$58 billion if our troops are to remain in Iraq and Afghanistan for all of fiscal year 2004. The fiscal situation is completely different today than it was in 1998 and 2000 when supplementals were approved for Bosnia and Kosovo.

As one can see on this chart, in those years, we were running large surpluses: \$69 billion in fiscal year 1998 and \$236 billion in fiscal year 2000. The issue of how to finance a \$2 billion supplemental was not and did not need to be a critical element of the debate.

Just this week, the White House released their Mid-Session Review. And the White House projections are on this chart.

The White House projects deficits of \$455 billion for fiscal year 2003 and \$475 billion for fiscal year 2004. The estimate of \$475 billion for fiscal year 2004, the year of the Defense appropriations bill that is now pending before the Senate, does not include any cost, not one dime, for the incremental cost of the war in Iraq or the mission in Afghanistan. Therefore, if the President had requested a budget amendment or a supplemental for these missions, the deficit for fiscal year 2004 would likely be over \$500 billion. And if you exclude the Social Security surplus, the deficit for fiscal year 2004 could exceed \$650 billion.

Mr. NELSON of Florida. Will the Senator yield on that point?

Mr. BYRD. Let me just finish briefly.

The cost of the war in Iraq and the mission in Afghanistan is over \$1 billion per week. General Franks has said that it is likely we will need to retain significant numbers of troops in Iraq for years to come. We know that now. We should not hide the ball from the American people until next year.

If we want to talk about then, we were running huge surpluses back in those days. Yet the cost was small, talking about \$2 billion, \$3 billion, when surpluses were running \$69 billion, \$125 billion, \$236 billion, \$127 billion. Now we are talking in a deficit situation. We are running huge deficits, astronomical deficits, never to be heard of before deficits. The costs we are talking about hiding here and waiting until the supplemental comes before Congress are many, many times higher than they were during the Clin-

ton administration. So it is a little like trying to equate apples and oranges.

Yes, I yield.

Mr. NELSON of Florida. Mr. President, I thank the Senator from West Virginia for the point he has made. I would like to underscore it. By the administration's own figures, they are projecting the budget deficit—that is, the amount of money that we have to go out and borrow to pay our existing debts—in this fiscal year as \$455 billion as illustrated by the chart the Senator has just shown. They are projecting next year \$475 billion of deficit spending. Yet they will not come forth with a supplemental request when finally the Senator from West Virginia got the Secretary of Defense to admit in the Senate Armed Services Committee that the monthly cost for carrying on the war is \$3.9 billion a month, just in Iraq, plus about \$750 million a month in the war being prosecuted in Afghanistan.

Mr. BYRD. Nine hundred and forty-three million.

Mr. NELSON of Florida. And thus, as the Senator has pointed out, it brings it to well over some \$60 billion additional.

Isn't it curious that if they are projecting \$475 billion by their own figures in deficit financing for next year, that they do not add the additional \$60 billion of anticipated war expenses, and that doesn't even count for the additional interest that will have to be paid on that newly incurred debt. Therefore, the deficit gets larger and larger and larger. To the average person what that means is, it is going to stall the recovery. It is going to cause the cost of money to go up in the interest rates.

But if we, as dictated by the Constitution, are to fulfill our appropriations duty, is it not logical that this Senate and the House of Representatives should have the information as to what the projected costs are of carrying on the function of the Government of the United States, including the defense of the United States? That is the question.

Mr. BYRD. They should have. The President, I say, should send up a supplemental budget request today for \$58 billion.

Mr. NELSON of Florida. Would not the Senator wonder, then, since they refused to do that, and here we are in the middle of a war and a soldier is getting killed every day, would the Senator not wonder why they don't? I think that it might be that it just shows that annual deficit spending exploding higher and higher, which is ultimately going to have an effect on the financial markets of this country and make it all the more difficult for the economic recovery to occur.

Mr. BYRD. Yes. Well, I thank the distinguished Senator from Florida for his thoughtful observations. I would hope that the administration would send up a supplemental request. Otherwise, I think we ought to try to add to it this

bill. Why not? Why not? That is the anticipated cost. In any event, let me finish my statement. I am almost at the end.

The administration has reported to Congress that we are spending \$4.8 billion each month in Iraq and Afghanistan. These costs can be anticipated, can be budgeted, and can be controlled. They are costs driven by policy emanating from the White House. There is absolutely no reason why they should not be included in the Defense appropriations bill that is now before the Senate.

If we truly want to support our troops, we should have truth in budgeting. My amendment calls on the President to be up front about the costs of our deployments in Iraq and Afghanistan. It would stop the practice of gimmicks and secrecy which hide the true cost of these foreign entanglements from the American people, the American taxpayer.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1281

(Purpose: To state the sense of Congress on funding of ongoing overseas military operations, including overseas contingency operations)

Mr. BYRD. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1281:

Insert after section 8123 the following:

SEC. 8124. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

Mr. STEVENS. Mr. President, the reliance of the Department of Defense on supplemental appropriations for contingency and peacekeeping operations began with the end of the last Persian Gulf War, and the introduction of United States military forces into the Balkans.

Excluding the costs of Operation Iraqi Freedom, the incremental costs of U.S. peacekeeping and contingency operations from fiscal year 1991 to 2003 total \$36.8 billion.

Congress has debated and passed a supplemental appropriations bill for

the Department of Defense every year from fiscal 1991 to the current fiscal year. The Congress has debated funding these operations from offsets within other discretionary programs, or from within the defense topline.

Beginning with the supplemental request of the Clinton Administration for fiscal year 1998 Congress has provided defense spending as an emergency or provided funding without offsets.

The Appropriations Committee attempted to mitigate the need for emergency supplementals by creating the Overseas Contingency Operations Transfer Fund in the defense bill, and the Clinton Administration still found it necessary to request emergency supplementals.

In March of fiscal year 1998, the Clinton Administration sought \$1.9 billion for ongoing operations in Bosnia and Southwest Asia. In fact, the Senate considered an amendment to strip the emergency designation from those funds. That amendment was defeated 92 to 8.

Since the 105th Congress, supplemental defense appropriations have been provided as emergencies or without offsets. The Congress passed two supplemental defense bills in fiscal year 1999 totaling \$19.1 billion.

The Senate will recall that the President requested a \$10 billion contingency fund for the global war on terrorism as part of the fiscal year 2003 budget request.

The Congress rejected that request until the Administration could better define the costs of contingencies. Those funds were appropriated as part of the Omnibus Bill passed earlier this year.

The Clinton Administration was aware that operations in Southwest Asia and the Balkans were ongoing, yet chose not to fund fully those operations in the budget request. As I stated earlier, the Congress passed emergency supplementals for fiscal years 1998, 1999, 2000, 2001, and 2002.

The Congress has passed nine consecutive supplemental emergency defense appropriations without offsets.

Funding from the fiscal year 2003 supplemental was used to offset the difference between the President's budget request for fiscal year 2004 and the discretionary total in the budget resolution.

As operations progress in Iraq the Administration will better define contingency costs. That is the position taken by the Congress last year—and the approach to funding used by the Clinton Administration to fund peacekeeping in the Balkans.

The Appropriations Committee will examine the costs of operations in Iraq as they are identified. The Senate will have the opportunity to consider those costs in any necessary supplemental. That has been the approach to funding contingencies taken by this body for 6 years.

Mr. DODD. Mr. President, I rise to speak in support of the amendment offered by my distinguished colleague,

Senator BYRD. I was not able to speak in support of this amendment when it was being debated because I was in a meeting with the distinguished Prime Minister of the United Kingdom, Tony Blair. This was an important amendment, and I am pleased that it was adopted earlier today.

This amendment calls upon the Bush administration to tell the Congress and the American people "up front" in its annual budget submissions, what it plans to spend on foreign military operations, particularly those in Iraq and Afghanistan. It also asks the administration to identify the specific Department of Defense accounts that will be tapped to pay for those activities.

Greater fiscal accountability is clearly needed, especially in light of an explosion in the size of the Federal deficit that has occurred since the Bush administration took office. Increased defense spending has undoubtedly played a role in that growing deficit.

This year's fiscal deficit will reach \$455 billion—the largest Federal deficit in the history of this Nation. Just five short months ago, the Bush administration estimated that the fiscal year 2003 deficit would be \$305 billion—no small amount. But more than \$150 billion short of what it now estimates will be the fiscal gap. Obviously, this is more than simply a question of a rounding-off error on the part of the administration's budget experts.

I for one am skeptical that the administration really believed that its original estimates were on target.

What is not debatable is that our Nation's fiscal house is in disarray. We urgently need to get a handle on Federal spending. A first step in getting that handle is for the administration to come clean with the Congress and with the American people about what our commitments in Iraq and Afghanistan will mean in monetary terms.

Up until now, the administration has consistently "low balled" the cost of our military operations in these countries. They have skirted cost questions by being intentionally vague about their plans.

We now know that the military phase of the Iraq operation—the period from January thru April—cost approximately \$4.1 billion per month.

Beginning in May, we were told that the cost of the pacification phase of the operations would be much lower—closer to \$2 billion per month. That turned out to be untrue.

This past Sunday, Defense Secretary Rumsfeld admitted what has become evident—that these costs were running closer to \$4 billion per month. The costs of operations in Afghanistan add an additional \$1 billion per month to Department of Defense military expenditures. At current rates of spending we will have spent more than \$70 billion dollars for military operations in Iraq by the end of the year.

On the non-military side in Iraq, \$7 billion—\$2.4 billion in U.S. appropriated funds—will have been spent by

the end of the year on humanitarian and reconstruction efforts. And that is just the beginning. The total bill for nation building in Iraq could go as high as \$100 billion when all is said and done.

The Byrd amendment attempts to address a larger concern that simply the dollars and cents of our commitment in Iraq; it really goes to the overall conduct of our policy there.

Let me say very clearly that I am in no way critical of what our brave men and women serving in our armed forces have been doing in Iraq, or elsewhere. We are all very proud of our U.S. Service members—those who have served or are now serving in Iraq and Afghanistan. We pray for the speedy recovery of those injured in the service of their country, and our hearts go out to the families who have lost loved ones.

Nor do I mourn the removal of Saddam Hussein—the world is far better place now that he is no longer the dictator of his people.

The bottom line is the U.S. military has done and is doing a tremendous job—under very difficult conditions.

Having said that, it is increasingly apparent that the Bush administration was ill prepared for what is now confronting on the ground in Iraq—both in terms of the extent of hostilities and the costs of the operations.

Last year when the Congress debated the resolution authorizing the President to use force in Iraq, many of us were concerned that the administration had not done sufficient thinking or planning for what we could expect in post-Saddam Hussein Iraq.

Such concerns were dismissed by administration officials.

I do not like to say the following, but I must.

There has been a level of arrogance on the part of some in the administration when it comes to foreign policy generally and most especially Iraq. That arrogance has caused senior policymakers in the administration to be closed to advice from career government military and foreign policy experts and dismissive of congressional concerns about the challenges that we might confront in post-Saddam Iraq.

I supported the congressional resolution authorizing the use of force last year. And, I would do so again today. But I firmly believe that the concerns I expressed during consideration of that resolution—about the importance of getting broad international support for whatever we wanted to do in Iraq—take on even more significance today.

We will never know whether more patience would have gained us the U.N. Security Council endorsement for our efforts to rid Iraq of Saddam Hussein. I for one believed that it would have been worthwhile to give that U.N. process a little more time to get that endorsement.

I did not believe at the time that Saddam Hussein was an imminent threat to the United States, although I never doubted that he possessed, or at

the very least sought to possess some quantity of weapons of mass destruction. Clearly, nothing found in Iraq thus far has caused me to change my assessment about the level of threat Iraq posed to the United States.

There is no doubt that had we gotten a U.N. endorsement for our campaign, we would be in a far stronger position today to convince other governments to participate in ongoing peacekeeping efforts and to share the costs of Iraq relief and reconstruction.

It is also very clear that the administration got it wrong with respect to the mix of combat forces and military police that would be required for the post war phase of the operations. If there had been more of a police presence at the outset, it might have served as a deterrent against the vigilantism that is now occurring.

The Bush administration has consistently asserted that we are not alone in Iraq—that there is a “coalition” of governments helping us restore security and build a democratic Iraq.

That really isn't the case.

There are currently 148,000 American troops in Iraq. The non-American component of the military coalition is only 13,000 strong. The administration states that there will be an additional 17,000 foreign military deployed to Iraq later this summer. Should that come to pass, U.S. troops will still represent roughly 75 percent of the forces on the ground in Iraq.

Moreover, if current levels of violence continue, more troops are going to be needed to stem the American casualties that are now being sustained—some experts estimate that double the current number of troops there may be needed.

Where are those additional troops going to come from? I strongly urge the administration to turn to the U.N. and to NATO for that assistance. It is in our national security and foreign policy interests for the U.N. and NATO to become partners in rebuilding Iraq.

However, if we are unable to persuade our friends and allies to help in this effort, the deployment of additional U.S. troops may be needed to protect those already deployed. This could include American Reservists and members of the National Guard. And, while I agreed in principle with what my colleague, Senator BYRD, was seeking to do on Tuesday with an earlier amendment, namely to prevent unlimited deployments of reservists and members of the Guard to Iraq and Afghanistan, I was also concerned about the safety of our troops.

Unfortunately, the fluidity of the situation in Iraq may require the deployment of these forces for an unspecified time. That is why I reluctantly opposed that amendment.

Why is there such uncertainty surrounding Iraq? Because I believe that U.S. policy is adrift. The administration has not been able to get its arms around what is going on there.

One day the administration says it wants to put Iraqis in charge of their

own country as quickly as possible. Another day it announces that the Coalition Provisional Authority, headed by retired U.S. Ambassador Paul Bremer, is the Government of Iraq. One day the administration tells us that Iraq's oil revenues will be sufficient to rebuild Iraq's economy. Another day it calls for the convening of an international donors conference to raise billions of additional dollars it says are needed to restore Iraq's economy.

As this policy drifts, increasingly the Iraqi people blame America for the ongoing chaos in their country. And who is the face of America on the streets of Iraq? Americans in uniform. They have become the targets.

Growing hostility has already cost 82 American lives since May. Every day we pick up the newspaper and read about another two or three American service members being attacked or killed by unknown assailants. Yet the administration continues to tell us that all is going as planned.

And the need for administration officials to be up front with the American people about Iraq goes beyond simply telling them how much it is going to cost or how many troops will be necessary.

It also goes to the matter of the administration's credibility—its credibility about what it has told the American people concerning Iraq's weapons of mass destruction. There are mounting questions as to whether some in the administration manipulated or distorted intelligence in order to justify what they wanted to do for other reasons.

President Bush has hurt U.S. credibility by overstating the case about the dangers of Iraq's weapons of mass destruction—particularly with respect to its nuclear weapons capacity.

Attempts to construct a “coalition of the willing” within our own intelligence community, in order to tilt intelligence was also dangerous, divisive, and unnecessary. We all accepted that Saddam had a clear track record with respect to WMD—they didn't have to “gild the lily” with information which we now know was false. And more seriously, which some administration officials knew at the time to be false. Even more serious is the willingness of these officials to pressure career intelligence analysts to sign up to conclusions about Iraq's WMD program that they didn't believe to be accurate. This calls into question the integrity of our entire intelligence community.

This issue does not seem to be going away. The administration has yet to give an acceptable explanation for what really happened or to identify who was responsible. We need to get to the bottom of this and put in place safeguards to prevent future manipulation of intelligence. It is extremely unlikely at this juncture that closed congressional hearings dominated by one party are going to allay the American people's concerns.

I recognize that the Byrd amendment does not attempt to address the intelligence issue I have just mentioned. I raise it in the context of the debate on this amendment because it is part of an administration pattern with respect to all matters related to Iraq—a pattern of secrecy, stonewalling, and obfuscation.

With the adoption of this amendment, the Congress has sent a modest signal to the administration that, at least on the spending side of our engagement with Iraq, we expect more transparency from our government.

Mr. FEINGOLD. Mr. President, I rise in support of amendment No. 1281 offered by the distinguished Senator from West Virginia to H.R. 2658.

I am disappointed that the amendment offered by the Senator from North Dakota was tabled yesterday. I have been a consistent advocate of transparency in our budgeting practices, and this amendment would have gone a long way to promoting such good practices. I am happy that we have a second chance to address this issue with the amendment offered by the Senator from West Virginia.

The Office of Management and Budget recently announced that they expect this year's budget deficit to reach \$455 billion and predict a \$475 billion deficit for fiscal year 2004. The estimates for fiscal year 2004 do not even include the cost of operations in Iraq. Such a dire fiscal picture makes it even more important that we get a better sense of the costs of future operations and make our decisions accordingly.

When we are conducting military operations or know that such operations are imminent, the budget must reflect it. We should not blithely go along as if it were a time for business as usual. We should budget responsibly for what is happening.

I would like to remind my colleagues about how much trouble we have had trying to get realistic figures from the administration about the cost of the Iraqi operations. We should not be operating in the dark. We must be presented with all of the facts so that our judgments on these tough issues are sound. Honest budgeting demands it.

As my distinguished colleagues have noted, we are no longer in the situation where the costs of the operations in Iraq and Afghanistan are unknown. The Secretary of Defense recently told us that we can expect to be spending almost \$4 billion a month in Iraq and almost \$1 billion a month in Afghanistan. The Pentagon comptroller has publicly stated that the administration has a good idea of what our overseas military operations will cost over the next year. Why are we pretending otherwise?

It is interesting to note that before the operations in Iraq, the Congressional Budget Office estimated that occupation costs would be between \$1 billion and \$4 billion a month, showing that we can get reasonable estimates. We can use those estimates to better the budgeting process.

We should continue to try to improve the process to ensure that we in the Senate and the American people can clearly see the facts and set priorities accordingly.

This amendment is not limited to this year or to the operations in Iraq or Afghanistan. Some may say that budgeting for potential future operations is not possible. I agree that predicting an exact cost is difficult, but that does not mean we cannot prepare a rough estimate. In fact, doing so will help us better analyze our options and make better decisions about any future engagements. The Senate wisely chose this path with the recent budget resolution when it adopted the amendment offered by myself and the senior Senator from New Jersey setting aside \$100 billion of the tax cut for operations in Iraq.

I strongly urge my colleagues to support this amendment. When we ask the American people to support future operations they should know what we expect the operations to cost. We owe the American people this honesty. I commend the distinguished ranking member of the Appropriations Committee for offering this amendment and for repeatedly raising important questions about the administration's policy on Iraq. He has performed a valuable service, and I thank him for it.

Mr. STEVENS. Mr. President, I would like to try out a unanimous consent request. There is pending my motion to table the Durbin amendment and there is pending the Byrd amendment. The Senator from West Virginia wishes to have a rollcall vote. Senator MCCONNELL would like to have 5 minutes to speak before these votes commence.

I ask unanimous consent that we vote on the Durbin amendment following Senator MCCONNELL's statement of not to exceed 5 minutes, and that is on or in relation to the amendment. I have made a motion to table that. After that, I ask that we have a vote on Senator BYRD's amendment, which I shall support. That will have everyone here in time to go and listen to the Honorable Tony Blair, if we can get started in a few minutes.

I support Senator BYRD's amendment because it is a sense-of-the-Senate resolution saying that any request for funds for the fiscal year for the ongoing operations in Afghan and Iraq should be included in the annual budget and that any such funds provided should be provided in the Appropriations Act for such fiscal year to appropriate specific accounts for such acts.

I support that concept. I do say what it really says to me is that the President's budget would contain an estimate of the costs for an ongoing operation and we would allocate the funding to the specific accounts subject to our approval of the estimates based upon specific hearings before our committee and listening to the representatives of the various services of the military. I think that makes eminent

sense. It is a change of policy, in my judgment, and therefore it is a sense-of-the-Senate resolution seeking the President's concurrence in that policy.

I ask unanimous consent that the Senator from Kentucky be recognized for 5 minutes and, following that, we vote on the amendment of Senator DURBIN; and I ask that it be in order to ask for the yeas and nays on my motion to table the Durbin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, and I do not object, I wonder if the Senator would mind having the vote on my amendment as the first vote. It would occur 5 minutes after the Senator from Kentucky.

Mr. STEVENS. I am willing to reverse that order. I modify the request and ask that the Senator from Kentucky speak for 5 minutes, and following that the vote on Senator BYRD's amendment, and following that there be a vote that would occur, with a limitation of 10 minutes, on my motion to table the Durbin amendment. Following the Durbin amendment, we will be walking down the hall to go over to a joint session of Congress.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object. There would be no second-degree amendments in order, right?

Mr. STEVENS. Right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the yeas and nays are ordered on the motion to table the Durbin amendment.

Mr. STEVENS. Have the yeas and nays on Senator BYRD's amendment been ordered?

The PRESIDING OFFICER. No.

Mr. STEVENS. I ask for the yeas and nays on the Byrd amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, we have witnessed a parade of Democrats coming to the floor to lob accusations against the President about the war in Iraq. Ostensibly, they are concerned about a potentially mistaken piece of intelligence regarding Iraq's efforts to procure uranium from abroad. In their zeal to score political points, they have sacrificed the national interest on the altar of partisan politics and are making accusations that are grossly offensive against the President and those of us who believe—and continue to believe—that our liberation of Iraq was the right thing to do.

Senator CONRAD, only hours ago, said:

This administration told the world Iraq had weapons of mass destruction, that they are trying to develop nuclear capability, there is a connection to al-Qaida, and each and every one of those claims is now in question, every one of them. It is not just 16

words in the State of the Union. It is far more serious than that.

Mr. President, that charge is stunning. It is an accusation that all of us who voted for the war, who viewed classified intelligence about Iraq and who believe this war was just, should repudiate. Perhaps the Senator should tell the family of the Kurdish woman and her child that Saddam Hussein didn't have weapons of mass destruction and that we were wrong to have liberated his oppressed people. They will not be so sanguine as these Senators, because she and hundreds of fellow villagers were murdered in a gas attack ordered by Saddam Hussein. This attack occurred in 1987. She won't be able to defend this because she is deceased as a result of an attack using weapons of mass destruction.

There were two victims of the town of Halabja, where some 5,000 died from a chemical attack in 1987. And 3,000 died that year from a similar chemical attack in Sumar. Another 5,000 died from mustard gas in Al Basrah also in that year. In fact, there are documented 10 different occasions upon which Saddam Hussein used chemical weapons against his own people.

So it is not in doubt that Iraq was using weapons of mass destruction. No one has doubted that Iraq had weapons of mass destruction. I don't doubt we will find further evidence of weapons of mass destruction in Iraq. The French didn't doubt it; the Germans didn't doubt it; the Russians don't doubt it; the U.N. weapons inspectors never claimed Iraq did not have weapons of mass destruction. There may have been a dispute over the best way to uncover and dispose of these weapons, but no responsible expert—I repeat, no responsible expert—said Iraq doesn't have a weapons-of-mass-destruction program. No one said that, Mr. President.

No responsible country confirmed that Iraq didn't have a weapons-of-mass-destruction program, because it was glaringly apparent that Saddam was vigorously committed to obtaining and maintaining an arsenal of chemical, biological and, yes, nuclear weapons.

That is why the U.N. Security Council unanimously passed Resolution 1441, which declared Iraq in material breach of its obligations under numerous previous resolutions, which declared that Iraq failed to account for weapons of mass destruction that it previously admitted having stockpiled. That is why Saddam Hussein never let inspectors have unfettered and free access to the suspect sites. Why would he have done all of that had he not had weapons of mass destruction? That is why he led inspectors on a wild goose chase through the Iraqi desert for 12 long years. That is why he buried research facilities, why he intimidated scientists, why he removed the tongues of those who questioned his regime. That is why he built the mobile biological weapons labs we uncovered in the Iraqi desert. He did all of those

things because he had weapons of mass destruction.

It is amazing that the very individuals who were willing to give U.N. inspectors up to 12 years to conduct these "Keystone Cops" inspections are now unwilling to give the United States military 10 weeks—not 12 years, but 10 weeks—to search for weapons of mass destruction while simultaneously hunting Baath party loyalists and restoring order to a nation wrecked by decades of misrule.

There are thousands of suspect sites capable of producing weapons of mass destruction and weapons-of-mass-destruction components. There are millions of places in which weapons of mass destruction could be hidden.

I am confident, the President is confident, the Secretary of State is confident, and the Secretary of Defense is confident that evidence of Hussein's WMD programs will be found. But keep in mind that Iraq is a country the size of California, and that for more than a decade Hussein and his cronies perfected the art of concealment. Still we have already found mobile biological weapons—already found—mobile biological weapons, various centrifuges to process uranium, and shells specifically designated to hold chemical weapons. The programs are there and we will find them.

I thank the chairman.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Defense appropriations bill following the statement of the right honorable Mr. Blair, the Senator from West Virginia be recognized to offer another amendment.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, may I make an inquiry of the distinguished Senator from Alaska? The Senator is prepared to accept my amendment, and the Senate will vote on it. Does he think that amendment will have any impact on the procedures? Does he think that will result in any change in the procedures which we have been experiencing heretofore? It is a sense-of-the-senate resolution but, in his opinion, may we expect to see it carried out?

Mr. STEVENS. Respectfully, that is sort of asking me the same thing as the contingency question. I am prepared to argue with the Office of Management and Budget and the White House that the procedures should be changed. After the initiation of war Congress should have estimates, as indicated by the Senator's amendment. Therefore, I support it. Whether we will be successful, God knows.

This is a 15-minute rollcall vote and will be followed by a 10-minute rollcall vote on the Durbin amendment. I urge Members to vote promptly so we may leave the body at 3:40 p.m. to listen to Mr. Blair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will take 1 minute.

I thank the distinguished chairman of the committee for his courtesies and for the cooperation he has given. He has sought to get action by the Senate on various and sundry amendments. He has tried to move the bill forward, and he has lived up to what I think is the reputation of not only fairness but also of integrity. I am thankful to him for accepting this amendment.

I was interested in his response to my question a moment ago. I believe he means what he says, and I hope he will join me in urging the Office of Management and Budget and the White House to live up to the intent, the spirit of this amendment whether it is the current administration or a following administration, which may be Democratic or Republican.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1281 offered by the Senator from West Virginia. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 15, as follows:

[Rollcall Vote No. 286 Leg.]

#### YEAS—81

Akaka	Dodd	Lott
Alexander	Domenici	Lugar
Allard	Dorgan	McCain
Allen	Durbin	McConnell
Baucus	Edwards	Mikulski
Bayh	Ensign	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (SC)	Pryor
Burns	Grassley	Reed
Byrd	Gregg	Reid
Campbell	Hagel	Roberts
Cantwell	Harkin	Rockefeller
Carper	Hatch	Sarbanes
Chafee	Hollings	Schumer
Chambliss	Inouye	Shelby
Clinton	Jeffords	Smith
Cochran	Johnson	Snowe
Coleman	Kennedy	Specter
Collins	Kohl	Stabenow
Conrad	Landrieu	Stevens
Corzine	Lautenberg	Talent
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lincoln	Wyden

#### NAYS—15

Bennett	Cornyn	Dole
Brownback	Craig	Enzi
Bunning	Crapo	Hutchison



Inhofe Santorum Sununu  
Kyl Sessions Thomas

NOT VOTING—4

Graham (FL) Lieberman  
Kerry Miller

NOT VOTING—4

Graham (FL) Lieberman  
Kerry Miller

The motion was agreed to.

The amendment (No. 1281) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that after the next vote, which we are going to go ahead and do now, and we want to encourage everybody to come and vote as soon as possible, that after the next vote is completed, the Senate will stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1277

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Durbin amendment No. 1277. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—62

Alexander	DeWine	Lugar
Allard	Dodd	McCain
Allen	Dole	McConnell
Bayh	Domenici	Murkowski
Bennett	Dorgan	Nelson (NE)
Biden	Edwards	Nickles
Bond	Ensign	Roberts
Brownback	Enzi	Santorum
Bunning	Fitzgerald	Sessions
Burns	Frist	Shelby
Campbell	Graham (SC)	Smith
Carper	Grassley	Snowe
Chafee	Gregg	Specter
Chambliss	Hagel	Stabenow
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Conrad	Inouye	Thomas
Cornyn	Kyl	Volnovich
Craig	Lincoln	Warner
Crapo	Lott	

NAYS—34

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bingaman	Harkin	Nelson (FL)
Boxer	Hollings	Pryor
Breaux	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Rockefeller
Clinton	Kohl	Sarbanes
Corzine	Landrieu	Schumer
Daschle	Lautenberg	Wyden
Dayton	Leahy	
Durbin	Levin	

# JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE RIGHT HONORABLE TONY BLAIR

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 3:48 p.m., took a recess, subject to the call of the Chair, and the Senate, preceded by RICHARD B. CHENEY, Vice President of the United States, William H. Pickle, Sergeant at Arms, and Emily Reynolds, Secretary of the Senate, proceeded to the Hall of the House of Representatives to hear an address delivered by the Right Honorable Tony Blair, Member of Parliament, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

(For the address delivered by the Prime Minister of the United Kingdom of Great Britain and Northern Ireland see today's proceedings in the House of Representatives.)

At 4:40 p.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. CORNYN).

## MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until the hour of 5 p.m., with Senators permitted to speak therein for not to exceed 1 minute each to comment on the historic speech we have just heard.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield to the Senator from Idaho since his State was mentioned.

The PRESIDING OFFICER. The Senator from Idaho.

## CONGRATULATING PRIME MINISTER TONY BLAIR

Mr. CRAIG. Mr. President, fellow Senators, I think today we watched a piece of history made on the floor of the U.S. House in a joint meeting when Tony Blair, the Prime Minister of Great Britain and Northern Ireland, spoke to us. Not only was it a brave and proud speech, but it was a speech of neighbor to neighbor, friend to friend, as truly Great Britain has become over the years and Tony Blair has become during this period of joint effort in Iraq.

In that speech, he mentioned places out West: Idaho and Nevada. Prime Minister Blair, Idahoans invite you to come visit, to come and meet us. We are a great people, a part of this great country of which we are so proud. And, yes, there are Idahoans who question

our outreach in foreign policy and scratch their heads and say: Why now? But there are many of us who recognize the leadership role that we play that you challenged us to today.

So on behalf of all of Idaho—our Governor and the congressional delegation of our State—Prime Minister Blair, come see us, come visit us. You will find that we are a people who stand with you in your call to the world for leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I understand why the Senator from Idaho said that, but I would encourage the Senator to read a little book called "Coming into the Country" by McPhee. That is a book about a place in Alaska where people live who the British leader says he thinks he wants to talk to—in the wilds of Alaska, in the great frontier of America.

The British leader thought he was going to the wilderness when he talked about Idaho. If he wants to see the wilderness in this country, he has to go to Alaska today. That is where 77 percent of the federally declared wilderness exists.

Mr. President, I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank the distinguished Senator.

Mr. President, I join my colleagues in commending the distinguished Prime Minister for his eloquent remarks in which I think he captured the essence of what all of us would like to see in the coming weeks and months and years; that is, a joint coalition of peaceful, liberty-loving nations to address the scourge of terrorism. I think he properly described what needs to be done by leaders of this Nation and others around the globe if we are going to succeed in that effort.

It was also wonderful to hear the English language spoken with such eloquence. It was refreshing not to see a teleprompter, I might add, and to hear a political leader with a sense of humor, a sense of commitment and passion, and a deep sense of understanding of the values that our two nations have shared—and, as he properly described, not Western values but human values of freedom-loving peoples everywhere.

I join my colleague from Alaska, and others, in thanking the Prime Minister for his eloquence, for his commitment, for his friendship, and for his loyalty. I look forward to a continuing relationship with this remarkable leader.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I have never heard a speech that better charted the values of free peoples—not only of free peoples in our country but I think free peoples all over the world. I have never heard a speech that was as incredibly positive as this speech, that